By Mr. EVANS: Petition of Central Woman's Christian Temperance Union, of Johnstown, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. FOSTER of Vermont: Memorial of the Reunion Society of Vermont Officers, asking for action in recognition of the service of Gen. William F. Smith—to the Committee on Military Affairs.

By Mr. GARDNER: Papers to accompany House bill 9456, to correct the naval record of Charles Amos—to the Committee on Naval Affairs.

By Mr. GRAHAM: Resolutions of the Allegheny County Grand Army Association, and of the National Fremont Association of Pittsburg, Pa., favoring the erection of a monument to the memory of Maj. Gen. John C. Frémont—to the Committee on the Library.

Also, resolution of the Chamber of Commerce of Pittsburg, Pa., indorsing the Appalachian Park bill—to the Committee on the Public Lands.

Also, paper to accompany House bill granting an increase of pension to Alexander Caldwell—to the Committee on Invalid Pensions.

Also, petition of the Keystone Watch Case Company, of Philadelphia, Pa., urging the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, paper of W. H. Smith, of San Francisco, suggesting an amendment to section 4921 of the patent law—to the Committee on Patents.

Also, petition of John Farr and two others, committee of West India trade, in relation to the treaty with Cuba—to the Committee on Foreign Affairs.

By Mr. GRIFFITH: Papers to accompany House bill for increase of pension of Austin Kerrigan—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of members of the Farmers' Institute, Meigs County, Ohio, in favor of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petition of the Woman's Christian Temperance Union of Jamaica, Vt., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. B. Eastman and other druggists of St. Johnsbury, Vt., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEDGE: Resolution of Typographical Union No. 75, Burlington, Iowa, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. KEHOE: Petition of sundry citizens of Kentucky for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KNAPP: Papers to accompany House bill 12236, granting an increase of pension to Martin Petrie—to the Committee on Invalid Pensions.

By Mr. LEVER: Petitions of druggists of St. Matthews and Columbia, S. C., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petition of heir of James Freeman, deceased, late of Fulton County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MOODY of Oregon: Petition of G. E. Williams and Charles N. Clarke, Hood River, Oreg., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. MORRIS: Remonstrances of citizens of the State of Minnesota, against the repeal of the stone, timber, desert land, and homestead commutation acts—to the Committee on the Public Lands.

By Mr. MOON: Petitions of retail druggists of Athens, Chattanooga, Pikeville, St. Petersburg, and South Pittsburg, Tenn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PALMER: Resolution of Victoria Lodge, No. 293, O. B. A., of Hazleton, Pa., for a modification of the methods and practice pursued by the immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. ROBERTS: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. SHERMAN: Paper to accompany bill relating to the correction of the military record of Henry Cool—to the Committee on Military Affairs.

By Mr. SIBLEY: Resolution of the Presbytery of Butler, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petition of R. B. Honey, Dexter, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to Ethelbert Crouse—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Aaron Taylor—to the Committee on Invalid Pensions.

Also, resolution of Buckeye Lodge, No. 35, Railroad Trainmen, in favor of Senate bill 3560, to promote the safety of employees and travelers upon railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. STARK: Petition of M. E. Schultz and others, of Beatrice, Nebr., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THAYER: Resolutions of the Methodist Episcopal Church, Woman's Christian Temperance Union, and other societies, of Millville, Mass., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of Worcester Lodge, No. 212, O. B. A., in relation to immigration—to the Committee on Immigration and Naturalization.

By Mr. TIRRELL: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

SENATE.

TUESDAY, *January 13, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

Mr. JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

RAILROADS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 5th instant, certain information as to the effect a system of railroads in the Philippine Islands would have on the cost of maintaining law and order and protecting life and property in those islands, etc.; which was referred to the Committee on the Philippines, and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR AND RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator and Railway Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the amendment of the House to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEATWOLE, Mr. BOREING, and Mr. TATE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates;

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of land occupied for school purposes, and for other purposes; and

A bill (H. R. 16066) to amend an act entitled "An act to provide for use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of sundry citizens of the United States, praying for the enactment of legislation providing for such collection of statistics of and relating to marriage and divorce as shall bring the report on this subject down to the latest practicable date; which was referred to the Committee on Appropriations.

He also presented a petition of the Young Men's Progressive Lodge, of Lawrence, Mass., praying for the enactment of legislation to modify the methods and practice pursued by the immigration

officers at the port of New York; which was referred to the Committee on Immigration.

Mr. FOSTER of Washington presented a petition of sundry citizens of Tacoma, Wash., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented petitions of Local Union No. 98, United Brotherhood of Carpenters and Joiners, of Spokane; of Local Union No. 239, Cooks and Waiters' Union, of Seattle; of Local Union No. 158, Iron Molders' Union, of Seattle; of Local Union No. 131, Brotherhood of Carpenters and Joiners, of Seattle, and of Local Union No. 300, Brotherhood of Painters, Decorators, and Paper Hangers, of Seattle, all in the State of Washington, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FAIRBANKS presented petitions of the White River Monthly Meeting of the Religious Society of Friends, of Winchester; of the congregation of the Friends Church of Thornton, and of the Woman's Christian Temperance Union of Miami County, all in the State of Indiana, praying for the adoption of an amendment to the bill to promote the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which were ordered to lie on the table.

He also presented a petition of Local Union No. 157, American Federation of Labor, of Terre Haute, Ind., praying for the enactment of legislation to repeal the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented petitions of the Nordyke & Marmon Company, of Indianapolis; of the Blanton Milling Company, of Indianapolis; of the W. D. Allison Company, of Indianapolis; of the Bluffton Manufacturing Company, of Bluffton; of J. O. Flickerner & Sons, of Evansville; of the J. I. Holcomb Manufacturing Company, of Sullivan; of the Kokomo Rubber Company, of Kokomo, and of the Studebaker Brothers Manufacturing Company, of South Bend, all in the State of Indiana, praying for the establisment of a department of commerce; which were ordered to lie on the table.

He also presented the petition of John Farr and sundry other shippers and merchants of New York City, N. Y., praying for the ratification of the reciprocity treaties with the British West Indies and British Guiana; which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Union No. 242, of Wabash; of Cigar Makers' Local Union No. 215, of Logansport; of Bricklayers and Masons' Local Union No. 3, of Indianapolis; of Broom Makers' Local Union No. 17, of Indianapolis; of Local Union No. 154, of Evansville; of Local Union No. 255, of Dugger; of Hard Wood Finishers' Local Union No. 96, of Indianapolis; of Typographical Union No. 332, of Muncie; of Local Union No. 10253, of Seymour; of Cigar Makers' Local Union No. 159, of Marion, and of Journeymen Tailors' Local Union No. 220, of Logansport, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the New Albany Hosiery Mills, of New Albany, Ind., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Good Will Lodge, No. 52, Brotherhood of Locomotive Firemen, of Logansport, Ind., praying for the passage of the so-called anti-injunction bill; which was ordered to lie on the table.

He also presented the petition of Rev. Wilbur F. Crafts, of Washington, D. C., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. BEVERIDGE presented petitions of Hard Wood Finishers' Union No. 96, Amalgamated Wood Workers, of Indianapolis; of Protective Gas Workers' Union, No. 10166, of Evansville; of Local Union No. 159, Cigar Makers' International Union, of Marion; of Local Union No. 220, Journeymen Tailors' Union, of Logansport; of Local Union No. 255, United Mine Workers, of Dugger, and of James Steele, of West Terre Haute, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. DOLLIVER presented a petition of Typographical Union No. 75, of Burlington, Iowa, praying for the repeal of the desert-land law and for the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Fortress Lodge, No. 171, Brotherhood of Railroad Trainmen, of Fort Dodge, Iowa, and a petition of Esther Lodge, No. 352, Brotherhood of Railroad Trainmen, of Estherville, Iowa, praying for the passage of the so-called anti-injunction bill; which were ordered to lie on the table.

He also presented petitions of the Tri-City Labor Council, of Davenport; of Local Union No. 1142, Brotherhood of Carpenters and Joiners, of Colfax; of Federal Labor Union No. 10441, of Fort Dodge; of Local Union No. 523, United Brotherhood of Carpenters and Joiners, of Keokuk, and of Local Union No. 92, Amalgamated Wood Workers' International Association, of Clinton, all in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Chamber of Commerce of Boston, Mass., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

He also presented a petition of the Boston Fruit and Produce Exchange, of Boston, Mass., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the ratification of the Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

Mr. BURTON presented a memorial of Coopers' International Union No. 18, American Federation of Labor, of Kansas City, Kans., and a memorial of Coopers' International Union No. 1, American Federation of Labor, of Lawrence, Kans., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on eighth beer kegs; which were referred to the Committee on Finance.

He also presented petitions of Local Union No. 215, of Topeka; of Local Union No. 201, of Wichita; of Bricklayers and Masons' Local Union No. 6, of Iola; of Local Union No. 444, of Frontenac; of Carpenters and Joiners' Local Union No. 1198, of Independence; of Local Union No. 210, of Weir City; of the Central Labor Union of Independence; of Local Union No. 1, of Kansas City; of Carpenters and Joiners' Local Union No. 1224, of Emporia, and of the Federal Labor Union of Independence, all of the American Federation of Labor, in the State of Kansas; of Laborers' Protective Union No. 9756, American Federation of Labor, of Kansas City, Mo.; of Carpenters and Joiners' Local Union No. 652, American Federation of Labor, of Elwood, Ind., and of Local Lodge No. 96, Brotherhood of Railroad Trainmen, of Dodge City, Kans., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. DEPEW presented petitions of Local Union No. 35, of Rochester; of Bricklayers' Local Union No. 45, of Buffalo; of Hospital Nurses and Employees' Local Union No. 10507, of Rochester; of Local Union No. 196, of Watervliet; of Local Union No. 144, of New York; of Carpenters and Joiners' Local Union No. 66, of Jamestown; of Local Union No. 7294, of Jamestown; of Cigar Makers' Local Union No. 144, of New York; of the Central Trades and Labor Assembly of Syracuse; of the Block Cutters' Local Union of Gloversville; of Horse Nail Makers' Local Union No. 10550, of Kusable Chasm; of Local Union No. 460, of New York; of the Central Trades and Labor Council, of Olean; of Local Union No. 202, of Ogdensburg; of Upholsterers' Local Union No. 33, of Brooklyn; of Local Union No. 232, of Jamestown; of the Lake Seamen's Union of Buffalo; all of the American Federation of Labor, and of the legislative board of the Brotherhood of Locomotive Firemen, of Albany; all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PENROSE presented a petition of 147 citizens of Shamokin, Pa., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented petitions of the Friends Meeting, of the Congregationial, of the Baptist, the Second Presbyterian, the Methodist Episcopal, and the United Presbyterian churches, all of Oxford, in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented petitions of the Young Men's Christian Association of York, of the Woman's Christian Temperance Union of Atglen, of the congregation of the Baptist Church of Oxford, of the Woman's Christian Temperance Union of Kane, of the congregation of the Second Presbyterian Church of Oxford, of the congregation of the United Presbyterian Church of Oxford, of the Friends Meeting of Oxford, of the congregation of the Presbyterian Church of Oxford, and of the congregation of the Methodist Episcopal Church of Oxford, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented petitions of Local Union No. 347, of Springfield; of Local Union No. 317, of Springfield; of Local Union No. 16, of Granite City; of the Glass Bottle Blowers' Association of Alton; of Bricklayers and Masons' Local Union No. 2, of Belleville; of Federal Labor Local Union No. 9762, of St. John; of Federal Labor Union No. 8533, of Springfield; of the National Mine Managers and Assistants' Mutual Aid Association, of Springfield; of Iron Molders' Local Union No. 44, of Quincy; of the Iron, Steel, and Tin Workers' Local Union No. 11, of Granite City; of Local Union No. 63, of Bloomington; of Cigarmakers' Local

Union No. 73, of Alton; of the Trades and Labor Assembly of Galesburg; of Carpenters and Joiners' Local Union No. 496, of Kankakee; of the Trades and Labor Council of Granite City; of Stone Masons' Local Union No. 15, of Rock Island; of the Trades and Labor Assembly of Mascoutah; of Cigarmakers' Local Union No. 118, of Peoria, and of Local Union No. 61, of Murphysboro, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

STATEHOOD BILL.

Mr. QUAY. I send to the Secretary's desk the following telegrams on behalf of the statehood bill, to be printed in the RECORD, without reading.

The PRESIDENT pro tempore. If there be no objection, the request of the Senator from Pennsylvania will be complied with. The telegrams will be printed in the RECORD.

The telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram].

TUCSON, ARIZ., *January 12, 1903.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

In view of misleading report of majority of Committee on Territories, reflecting on intelligence and resources of Arizona, failure to pass omnibus bill would be of incalculable material injury to the Territory. Every interest feels this, and there is absolute unanimity among the people on the subject.

M. P. Freeman, President Consolidated National Bank; J. Knox Corbett, Postmaster; John B. Wright, City Attorney; B. M. Jacobs, President Arizona National Bank; H. W. Fenner, M. D.; William Angus, County School Superintendent; Fred. Renstadt, Board of Supervisors; John H. Bauman, Receiver, United States Land Office; M. R. Moore, Register, United States Land Office; Mark A. Rodgers, M. D.; E. S. Burton, M. D.; L. H. Manning, President Chamber of Commerce; George Shelby, Rector Grace Church; David B. Leofbourrow, Pastor Methodist Church; H. K. Booth, Pastor Congregational Church; C. F. Schumacher, Mayor of Tucson.

[Telegram.]

TUCSON, ARIZ., *January 12, 1903.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.

Omnibus bill is necessity to every material interest in Arizona.

C. F. SCHUMACHER,
Mayor of Tucson.

Mr. QUAY. While I have the floor, although it is probably a matter of indifference to the Senate and the Senator from Colorado [Mr. TELLER], I desire to apologize for the accidental intrusion into a mass of telegrams printed in the RECORD at my suggestion yesterday morning of a telegram from the Senator from Colorado, which is semi-private in its nature, authorizing me to pair him on the pending statehood bill.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 13233) granting a pension to William A. Nelson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5526) granting an increase of pension to Benjamin F. Cornman, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2205) to correct the military record of Joseph T. Vincent, reported with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2344) to remove the charge of desertion against Samuel Robbins, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 6570) to correct the military record of Simeon Perry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1193) to correct the military record of Henry M. Holmes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1592) for the relief of F. M. Vowells, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills and joint resolution, submitted adverse reports thereon, which were agreed to; and the bills and joint resolution were postponed indefinitely:

A bill (S. 4847) to correct the military record of James Petty;

A bill (S. 4364) to remove the charge of desertion now standing against James F. Wood;

A joint resolution (S. R. 61) for the relief of Robert L. Lindsay; and

A bill (S. 3786) to correct the military record of James C. Means.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 6730) to regulate the use of forest-reserve timber, asked to be discharged from its further consideration, and that it be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 6220) granting an increase of pension to Walter G. Tebbetts, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 12th instant relating to the clerks of the United States circuit courts of appeal, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 4876) to remove the charge of desertion from the military record of William P. Taylor, deceased, reported it with an amendment, and submitted a report thereon.

SOPHIA BOWIE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GALLINGER December 10, 1902, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sophia Bowie, widow of Albert Bowie, late an employee in the Senate stables, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PRICES OF COAL IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. STEWART, reported it without amendment; and it was considered by unanimous consent, and agreed to as follows:

Resolved, That the Committee on the District of Columbia be, and the same is hereby, authorized to employ a stenographer, from time to time as may be necessary, to report such hearings as may be had on the investigation into the price of coal in the District of Columbia and have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate. Said committee shall have power to send for persons and papers and to administer oaths, and to compel the attendance of witnesses.

CYRUS G. NORTON.

Mr. DEBOE. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton, to report it back favorably without amendment, and by request of the committee I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Cyrus G. Norton, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6878) granting a pension to Penelope Tousley;

A bill (S. 6879) granting a pension to George W. Miller; and

A bill (S. 6880) granting a pension to Effie Creech.

Mr. DILLINGHAM introduced a bill (S. 6881) for the relief of James L. Elmer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLLIVER introduced a bill (S. 6882) granting an increase of pension to Francis W. Crumpton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6883) providing for the purchase of ground and the erection of a new custom-house at the port of Boston, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT introduced a bill (S. 6884) granting a pension to Martha B. Hamlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6885) granting an increase of pension to Mathias R. Zahniser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 6886) to authorize the leasing of grazing lands in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLAPP introduced a bill (S. 6887) authorizing and directing the issuance of a patent in fee to Katie Van Pelt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 6888) to provide for a review of the acts, decisions, and rulings of the Post-Office Department under the lottery and fraud statutes, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BURTON introduced a bill (S. 6889) to provide for the organization of the militia of the Indian Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6890) granting a pension to Pearson N. Clifford (with the accompanying papers);

A bill (S. 6891) granting a pension to Marie K. Hudson; and

A bill (S. 6892) granting a pension to William W. Angelo.

Mr. MCENERY introduced a bill (S. 6893) granting an increase of pension to Bowman H. Peterson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6894) for the relief of the legal representatives of the late firm of Lapène & Ferré; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6896) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 6897) for the relief of Hugh McGuckin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 6898) to amend section 4921 of the Revised Statutes, relating to injunctions in certain patent cases; which was read twice by its title, and referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 6899) to incorporate the Spanish-American War Veterans' Association of the United States;

A bill (S. 6900) to grant an honorable discharge from the military service to Christian Heinze (with the accompanying paper);

A bill (S. 6901) to grant an honorable discharge from the military service to John L. Keys (with the accompanying papers);

A bill (S. 6902) to grant an honorable discharge from the military service to Daniel F. Mertz (with the accompanying paper); and

A bill (S. 6903) for the relief of Edmund F. Steckel (with the accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6904) for the relief of Jean Michel Vendenhiem, a citizen of France residing in the United States;

A bill (S. 6905) providing for the adjustment and payment of the accounts of letter carriers arising under the eight-hour law (with the accompanying papers);

A bill (S. 6906) for the relief of Sylvester H. Lee;

A bill (S. 6907) for the relief of Frances M. Egan, administratrix of Patrick Egan, deceased (with the accompanying paper); and

A bill (S. 6908) for the relief of Mary Cairney (with the accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6909) granting a pension to Sallie J. Cochran;

A bill (S. 6910) granting an increase of pension to George W. Frederick;

A bill (S. 6911) granting an increase of pension to Frank H. Wilson;

A bill (S. 6912) granting a pension to Mary Zinn;

A bill (S. 6913) granting an increase of pension to Walter Lynn;

A bill (S. 6914) granting an increase of pension to Bernard Small;

A bill (S. 6915) granting an increase of pension to Ira G. Wood;

A bill (S. 6916) granting an increase of pension to Arthur H. Murray;

A bill (S. 6917) granting an increase of pension to John R. Worman;

A bill (S. 6918) granting an increase of pension to Jesse Critchfield;

A bill (S. 6919) granting an increase of pension to Elizabeth V. Reynolds;

A bill (S. 6920) granting an increase of pension to Charles H. Hall;

A bill (S. 6921) granting an increase of pension to James J. Hasson;

A bill (S. 6922) granting an increase of pension to George S. Campbell;

A bill (S. 6923) granting a pension to William H. Small;

A bill (S. 6924) granting an increase of pension to Talbot Thompson;

A bill (S. 6925) granting an increase of pension to William Stitzer;

A bill (S. 6926) granting a pension to Theophilus Snyder;

A bill (S. 6927) granting a pension to Fanny Bonner;

A bill (S. 6928) granting an increase of pension to Joseph S. Wright;

A bill (S. 6929) granting a pension to Mary R. Koehl; and

A bill (S. 6930) granting an increase of pension to John Simpson.

Mr. PENROSE introduced a bill (S. 6931) for the relief of Sadie Thome; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MORGAN. I introduce a bill which I ask may be read, as it is an interesting subject and the bill is very short.

The bill (S. 6932) to extend the scope and effect of the act of Congress entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, was read the first time by its title, and the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That all the provisions of an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be, and the same are hereby, extended so as to include in its provisions and within its pains and penalties all persons and corporations hereafter engaged in producing, manufacturing, transporting, buying, or selling any article or commodity for profit that is authorized or required by law to be acquired by purchase for the use of any office or agency or commission or department of the Government of the United States, or for the postal service, or the hospital service, or the Weather Bureau service, or the Army or the Navy of the United States.

Mr. FRYE introduced a bill (S. 6933) granting an increase of pension to James M. Sherman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6934) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me., during the fall of 1901, as reported by a board of Army officers constituted to ascertain the same; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6935) granting an increase of pension to Conrad Meier;

A bill (S. 6936) granting an increase of pension to William T. Conant;

A bill (S. 6937) granting an increase of pension to Simon Piehl; and

A bill (S. 6938) granting an increase of pension to George H. Sutherland.

Mr. JONES of Arkansas introduced a bill (S. 6939) to amend the act of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes;" which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6940) for the relief of the estate of Lucy A. Caldwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

DUTY ON ANTHRACITE COAL.

Mr. CULBERSON. Mr. President, I desire to offer again the joint resolution I introduced on the 8th instant, and I ask the indulgence of the Senate for a few moments that I may make a statement.

This joint resolution relates to the duty on anthracite coal, and provides that after its passage anthracite coal and all coal containing less than 92 per cent of fixed carbon when imported into the United States shall be admitted free of duty.

Before I introduced the joint resolution I made the statement that in my opinion it was constitutional notwithstanding that provision of the Constitution which declares that all bills for raising revenue must originate in the House of Representatives. The Senator from Rhode Island [Mr. ALDRICH] characterized that opinion as novel.

Mr. President, I simply take advantage of this occasion to say that instead of being novel it is an opinion shared by distinguished commentators on the Constitution, by many eminent lawyers who have held seats in this body and in the House of Representatives, and that it represents the unbroken precedents of this body since 1815.

In 1871 the Senate passed a bill, which originated here, repealing the income tax, and upon a consideration of that measure an exhaustive report was made by a committee of the Senate, composed of Messrs. Scott, Conkling, and Casserly. I ask that that report be printed in the RECORD as a portion of the statement I am making, because it is exhaustive of the subject, in my opinion, and so far as I am advised the Senate has never departed from the principle announced there from that day until this.

When this joint resolution was before the Senate on the 8th the Senator from Connecticut [Mr. PLATT] declared that anthracite coal is not dutiable. I have watched with some interest the proof of that which he promised us, but so far he has not seen proper to make any further statement on the subject.

In answer to that contention of the Senator from Connecticut, I ask leave to print in this connection a decision of the Board of General Appraisers, of New York, declaring that anthracite coal is dutiable, and a decision of the circuit court of appeals of the ninth circuit affirming that decision, the opinion being delivered by Mr. Justice Hawley. It is proper to add that an application for a writ of certiorari to the Supreme Court of the United States in this case was denied (177 U. S., 695), which is tantamount to holding that anthracite coal is dutiable under the Dingley Act.

Having made this statement, I offer the joint resolution and request its immediate consideration.

The joint resolution (S. R. 152) exempting anthracite coal from import duty was read the first time by its title, and the second time at length, as follows:

Whereas there is a great distress and suffering in many sections of the country because of the inadequate supply of anthracite coal and the high prices for which it is offered and sold; and

Whereas no revenue of consequence is derived by the Government from the duty imposed thereon; and

Whereas the removal of the duty will add to the supply in the United States and lower the price thereof: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this resolution anthracite coal and all coals containing less than 92 per cent of fixed carbon when imported into the United States shall be exempt from duty.

Mr. HOAR. I should like to ask the Senator from Texas a practical question. From what source, according to his information, are we likely to get a supply of such coal as he describes in the joint resolution?

Mr. CULBERSON. Mr. President, that matter will come up, I think, if there is no objection to the present consideration of the joint resolution. If we are to consider it at all, it would be best to consider it in all of its phases.

Mr. HOAR. I thought possibly, as the Senator made some statement about it before presenting it, he might be willing to tell the Senate, in order that we might see whether it was a practical or a theoretical question. I understand that the Senator's joint resolution describes the present emergency and desires to have the duty taken off of coal which he describes as coal having less than 92 per cent of carbon. In order to see whether this is a question which is of such immediate pressing character that we ought to lay aside all other business and attend to it at this moment, I should like to ask the Senator from what source he expects a supply of that kind of coal to relieve the present emergency.

Mr. CULBERSON. In answer to the Senator, I will repeat that whatever information I have on the subject will be readily given to the Senate if objection is not made to the present consideration of the joint resolution.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of the joint resolution.

Mr. HOAR. Does the Senator know a spot on the face of the earth from which we may expect a supply or a considerable quantity of that kind of coal—anthracite coal of less than 92 per cent of fixed carbon?

Mr. CULBERSON. Mr. President, this joint resolution is——

The PRESIDENT pro tempore. The joint resolution is not now before the Senate. The Senator from Texas asks unanimous consent for its present consideration.

Mr. ALDRICH. Mr. President, as this is but another phase of the question submitted by the Senator from Missouri [Mr. VEST], whose resolution is now pending before the Senate and will be laid before the Senate in a few minutes, I object to its present consideration. If the Senator desires to have it before the Senate at a subsequent time for discussion, I am willing that any agreement shall be made as to that matter, or if he desires to have it referred, I do not object to that course. I do object, however, to its present consideration.

The papers submitted by Mr. CULBERSON are as follows:

INCOME TAX.

Mr. Scott, from the committee of conference appointed by the two Houses to consider the question as to the power of the Senate to originate the bill (S. No. 1083) to repeal so much of the act approved July, 1870, entitled "An act to reduce internal taxes, and for other purposes," as continues the income tax after the 31st day of December, 1869, submitted the following report:

"The managers on the part of the Senate of the conference committee appointed by the two Houses of Congress to consider the question raised by the resolution of the House, adopted on the 27th of January, 1871, directing the return to the Senate of Senate bill No. 1083, to repeal so much of the act approved July 14, 1870, entitled "An act to reduce internal taxes, and for other purposes," as continues the income tax after the 31st day of December, 1869, with the suggestion that section 7 of Article I of the Constitution vests in the House of Representatives the sole power to originate such measures; and by the resolution of the Senate of February 1, 1871, returning said bill to the House, report:

"That, having met, after full and free conference, the joint committee have been unable to agree.

"The managers upon the part of the House of Representatives, Messrs. Hooper, ALLISON, and Voorhees, maintained "that, according to the true intent and meaning of the Constitution, it is the right of the House of Representatives to originate all bills relating directly to taxation, including all bills imposing or remitting taxes; and that, in the exercise of that right, the House of Representatives shall decide the manner and time of the imposition and remission of all taxes, subject to the right of the Senate to amend any of such bills, originating in the House, before such bills have become a law."

"The managers upon the part of the Senate maintained 'that, according to the true intent and meaning of the seventh section of the first article of the Constitution, "bills for raising revenue" are those bills only the direct purpose of which is to raise revenue by laying and collecting taxes, duties, imposts, or excises, and that a bill may originate in the Senate to repeal a law or portion of a law which imposes taxes, duties, imposts. or excises.'

"In advising adherence to the position taken by the managers upon the part of the Senate, they deem it a proper occasion to present the reasons which, in their opinion, justify them in that advice.

"The words of the Constitution which are viewed in these opposite senses are as follows:

"'All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.'

"In seeking for the meaning of this provision, we naturally look at the history and circumstances which preceded and attended its adoption, at the practice of Congress in its legislation under it, and at the construction which has been put upon it by commentators.

"The men who framed our Constitution were students of the unwritten constitution of England, and there can be no doubt that this provision is such a modification of the practice of the House of Commons, as to money bills, as they believed suited to the new Government they were then forming.

"That we may see clearly what that practice was, and the reasons which are assigned for it, we quote the words of Sir William Blackstone:

"'The peculiar laws and customs of the House of Commons relate principally to the raising of taxes and the elections of members to serve in Parliament:

"'First, with regard to taxes, it is the ancient, indisputable privilege and right of the House of Commons that all grants of subsidies or parliamentary aids do begin in their House, and are first bestowed by them; although their grants are not effectual, to all intents and purposes, until they have the assent of the other two branches of the Legislature. The general reason given for this exclusive privilege of the House of Commons is that the supplies are raised upon the body of the people, and therefore it is proper that they alone should have the right of taxing themselves. This reason would be unanswerable if the Commons taxed none but themselves; but it is notorious that a very large share of property is in the possession of the House of Lords; that this property is equally taxable, and taxed as the property of the Commons; and therefore, the Commons not being the sole persons taxed, this can not be the reason of their having the sole right of raising and modeling the supply. The true reason, arising from the spirit of our constitution, seems to be this: The Lords, being a permanent, hereditary body, created at pleasure by the King, are supposed more liable to be influenced by the Crown, and when once influenced to continue so, than the Commons, who are a temporary, elective body, freely nominated by the people. It would therefore be extremely dangerous to give the Lords any power of framing new taxes for the subject; it is sufficient that they have a power of rejecting, if they think the Commons too lavish or improvident in their grants. But so unreasonably jealous are the Commons of this valuable privilege that herein they will not suffer the other House to exert any power but that of rejecting; they will not permit the least alteration or amendment to be made by the Lords to the mode of taxing the people by a money bill; under which appellation are included all bills by which money is directed to be raised upon the subject, for any purpose or in any shape whatsoever; either for the exigencies of the Government, and collected from the Kingdom in general, as the land tax, or for private benefit, and collected in any particular district, as by turnpikes, parish rates, and the like.' (Blackstone's Commentaries, book 1, chapter 2, pp. 168, 169.)

"Money bills, in the practice of Parliament, embrace not only those by which money is directed to be raised, but also those by which supplies are granted, or what we term appropriation bills. Not only was the right claimed and exercised by the Commons to originate both these classes of bills, but finally, in 1678, their claim was urged so far as to exclude the Lords from all power of amending bills of supply. On the 3d of July in that year they resolved—

"'That all aids and supplies ought to begin with the Commons, and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bill, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.' (May's Parliamentary Practice, p. 506, 507.)

"Bearing in mind the practice and the reasons for it, as given by Blackstone, we next come to consider the circumstances attendant upon the adoption of the clause of the Constitution, the true intent and meaning of which is the subject of disagreement between the House and the Senate.

"No question could have presented itself more forcibly to the minds of the members of the convention which framed the Constitution than that of taxation. The inability of the Confederation to enforce its requisitions for revenue upon the States was one of the leading causes, if not the leading cause, which led to the call for that convention.

"What light, then, do the proceedings which resulted in the adoption of he clause under consideration shed upon its meaning?

"That convention met on the 14th of May, 1787, but a majority of members did not appear until the 25th of that month.

"The first proposition bearing upon this question was offered immediately after the adoption of the rules for regulating the proceedings upon the 29th of May. It appears in the resolution offered by Edmund Randolph. The

prior resolutions having provided for two branches of a National Legislature, the sixth reads thus:

"'That each branch ought to possess the right of originating acts.' (1 Elliott's Debates, p. 144.)

"In the draft of a Federal Government, submitted on the same day by Charles Pinckney, is this provision in Article III:

"'All money bills of every kind shall originate in the House of Delegates and shall not be altered by the Senate.' (Ibid., p. 146.)

"On the 31st of May the sixth resolution of Mr. Randolph was adopted. (Ibid., p. 153.)

"On the 13th of June Mr. Gerry moved to add the following words to the fifth resolution reported by the committee, being the sixth offered by Mr. Randolph (see p. 181), namely, 'excepting money bills which shall originate in the first branch of the National Legislature.' This was negatived—yeas 3, nays 8. (Ibid., p. 174.)

"On the 19th of June the committee of the whole reported on the resolutions submitted by Mr. Randolph, and the fifth resolution as reported by them is: 'That each branch ought to possess the right of originating acts.' (Ibid., p. 181.)

"On the 26th of June this passed unanimously. (Ibid., p. 191.)

"It was at this stage the convention reached the question of representation in the two branches of Congress; and as this is alleged to have entered into the final settlement of the question we are considering, it is proper it should be noticed.

"On the 2d of July a committee was elected by ballot, consisting of one member from each State, to whom the resolutions (the seventh and eighth) providing for representation were referred.

"On the 5th of July that committee recommended to the convention the following propositions:

"'1. That in the first branch of the Legislature each of the States now in the Union be allowed one member for every 40,000 inhabitants of the description reported in the seventh resolution of the Committee of the Whole House; that each State not containing that number shall be allowed one member; that all bills for raising or appropriating money, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public Treasury but in pursuance of appropriations to be originated by the first branch.

"'2. That in the second branch of the Legislature each State shall have an equal vote.' (Ibid., p. 194.)

"On the 6th of July the first part of the first proposition was referred to a select committee, and that part providing for 'bills for raising or appropriating money,' etc., being submitted to a vote, was declared adopted, the vote standing thus: Yeas, 5 States; nays, 3 States; divided, 3 States. (Ibid., pp. 195-196.)

"On the 16th of July the whole subject of representation and money bills was embodied in a report which fixed the number of Representatives, provided that representation ought to be proportioned according to direct taxation, and for a census, gave each State equal representation in the Senate, and contained this provision:

"'*Resolved*, That all bills for raising or appropriating money, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature of the United States, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public Treasury but in pursuance of appropriations to be originated by the first branch.' (Ibid., pp. 205-206.)

"On the 26th of July all the propositions previously adopted were referred to the Committee of Detail. (Ibid., pp. 220-222.)

"On the 6th of August the committee reported a draft of a Constitution (p. 224), in which section 5 of Article IV is in the same words as the resolution above quoted from page 206. Section 12 of Article VI also reads: 'Each House shall possess the right of originating bills except in the cases before mentioned.'

"We now come to the point where the action was taken fixing the number of Representatives and Senators and striking out the fifth section of the fourth article, as before adopted. This action took place on the 8th of August. (Ibid., 232-234.) The section thus struck out was again moved on the 13th of August and rejected. (Ibid., p. 241.)

"It is stated in the Madison Papers (pp. 1268, 1297, 1306) that this was a motion to reconsider the rejection, and that it prevailed. The vote after reconsideration is given upon the separate propositions. (Ibid., p. 1316.)

"On the first part, as to the exclusive originating of money bills in the House, it stood—ayes 4, nays 7; on originating by the House and amending by the Senate—ayes 4, nays 7.

"On the last clause, as to drawing money on appropriations, which must originate in the House—ayes 1, nays 10.

"On the 15th of August this provision was again offered as an amendment to the twelfth section of the sixth article of reported draft, and its consideration was postponed. (1 Elliott's Debates, p. 243.)

"On the 5th of September the committee reported a substitute for the twelfth section of the sixth article, which, on the 8th of September, was adopted in the words which now make the seventh section of the first article, and upon the true meaning of which the House and Senate differ. (Ibid., 285, 295.)

"This may seem a tedious and perhaps unnecessary detail of the steps which preceded the adoption of this section. At the risk of this criticism, it has been given, as we desire by this history, and referring to the debates as given in the Madison Papers, but which we have not quoted, to show—

"First. That the convention started with the two opposite ideas before it, namely: 'That each House ought to possess the right of originating acts,' and 'that all money bills of every kind shall originate in the House of Delegates, and shall not be altered by the Senate.'

"Second. That until the question of representation in the Houses was reached, the first of these propositions was twice adopted, and the second, when presented as an amendment to the first, was rejected.

"Third. That the first time the limitation of the power of the Senate to originate bills of any class received the sanction of the convention was while the question of representation was unsettled and in the hands of a committee; and then, out of 11 States, but 5 voted for it, 3 being divided, and 3 voting no.

"Fourth. That when this limitation was reported back by the committee, accompanied by the fixing of the representation in the House and Senate, the vote stood—ayes 5, noes 4, divided 1.

"Fifth. That when it was thus adopted the original proposition of Mr. Randolph, that 'each House ought to possess the right of originating acts,' also stood as adopted.

"Sixth. That after the representation in the House and the Senate was fixed, those provisions before adopted, which required appropriation bills, and bills fixing salaries of officers, and denied the power of amendment to the Senate, were stricken out, and the efforts afterwards made to reinsert them failed.

"Seventh. That it was claimed in the Senate that section 5 of Article IV should have been retained with these limitations in it, because it was a compromise to secure the larger States against the imposition of taxes by bills originating in the Senate, where the States had equal representation; that, notwithstanding this, it was stricken out; and that of the five larger States to which this was considered applicable three of them had uniformly voted against all limitation on the power of the Senate. (Madison Papers, vol. 3, pp. 1266-1267, 1306-1316.)

"In the light of this history and summary, we place, in parallel columns, the section which was stricken out and the section as it was reported by the committee and adopted.

"STRICKEN OUT.	"AS ADOPTED.
"'All bills for raising or appropriating money and for fixing the salaries of the officers of the Government shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury, but in pursuance of appropriations, which shall originate in the House of Representatives.'	"'All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills. No money shall be drawn from the Treasury but in consequence of appropriations made by law.'

"The first clause of the section as adopted is now the seventh section of the first article, the second clause being transferred by the revising committee to section 9. Before commenting upon the meaning of the clause as adopted, it is proper also to insert here the form of words which Mr. Randolph desired to use in reinserting the rejected clause:

"'Article IV, section 5, being reconsidered—

"'Mr. Randolph moved that the clause be altered so as to read: "bills for raising money for the purpose of revenue, or for appropriating the same, shall originate in the House of Representatives." (Madison Papers, pp. 1305-1306).

"The object of this amendment was declared to be to exclude the idea that the section extended to all bills which might incidentally affect the revenue. With all this in remembrance, the committee of revision reported the words as they now stand in section 7, article 1.

"Now, recurring to the section stricken out, and looking at the parts omitted, which are placed in italics, it will be apparent that the omission of the proposed restrictions upon the power of the Senate is equal to an express affirmation that the Senate has the power—

"First. To originate appropriation bills.

"Second. To originate bills for fixing the salaries of the officers of the Government, and, by way of emphasizing the fact, a reassertion.

"Third. That money may be drawn from the Treasury upon appropriations which do not originate in the House of Representatives.

"In view of this clear declaration of the intent of the framers of the Constitution, which would seem to leave no room for question as to the only power intended to be vested in the House to the exclusion of the Senate, let us see what has been the practice of Congress under it.

"And first, as to appropriation bills. It is true that the power to originate them is not in question now; but having shown, as we think clearly, that the Senate has that power, it is well to look at the extent to which this claim of exclusive right is pushed, how unfounded it is, and in what inconsistent positions the House has placed its own claim by its action. When we find it asserted in one instance and expressly repudiated in another, and when it is a claim made in derogation of the power of the Senate, this double construction should certainly excuse some doubt as to whether the claim is well established. And yet it is easy to demonstrate that the House has both asserted and denied that 'bills for raising revenue' include appropriation bills. Without enumerating the precedents to which we are referred, it is sufficient to say that the acts of the House upon amendments to its own bills, and upon those originating in the Senate, come in direct antagonism with each other. The claim has been that appropriation bills are revenue bills within the meaning of the Constitution. If an appropriation bill is one of that class, then no amendment which the Senate could add to it would be liable to objection, because the same clause of the Constitution which requires them to originate in the House expressly empowers the Senate to amend them, as it may amend other bills. If it is not one of that class required by the Constitution to originate in the House, then it is not a bill 'for raising revenue,' and may properly originate in the Senate.

"The Post-Office appropriation bill in the second session of the Thirty-fifth Congress originated in the House and the Senate added an amendment raising the rates of postage. When this was returned to the House Mr. GROW objected that 'said amendment is in the nature of a revenue bill.' (Congressional Globe, March 3, 1859, p. 1567.)

"The bill was returned to the Senate, and, the Senate adhereing to its view, it failed. This was a decision by the House that an appropriation bill is not a revenue bill; for if it were the amendment was within the power of the Senate.

"As to bills incidentally affecting the revenue, the compromise tariff of 1833, the resolution of Mr. McDuffie, in 1844, to substitute the duties of the compromise bill for those of the tariff of 1842, and the defeat of it, as also the action of the House upon the Treasury-note bill of the Senate in 1837, are referred to by the managers on the part of the House to sustain their position.

"As to the compromise bill, it is sufficient to say that upon its introduction into the Senate the point was made against its reception that it contained one section which increased duties on Kendall woolens, although all the other sections reduced duties; that the objector (Mr. Forsyth) agreed if that section were withdrawn the bill could properly be introduced in the Senate; that it was introduced notwithstanding that section was retained, and that the debate and action upon its reception and passage indicate the opinion of the Senate that a bill to reduce duties could originate in the Senate. This bill, although received and considered in the Senate, was not sent to House, as a bill in the same words was introduced there and passed to avoid this question, and the Senate passed it.

"The action in 1844, laying upon the table Mr. McDuffie's resolution, indicates a different opinion; but neither of these cases is at all parallel to the case in hand. It will also be noted that the Senate, which was favorable to Mr. Clay's bill, received it as a proper measure to originate in that body, and that the Senate, which laid Mr. McDuffie's resolution upon the table, was opposed to the measure it proposed. It is probable the precedents lose some of their value from these facts, when quoted upon a question of constitutional law. The loan bill of last season is sufficient answer to the precedent of the Treasury-note bill without entering into an examination of the power under the Constitution to borrow money. The question might well be raised whether the Senate has the power to originate a bill establishing a different mode of taxation or a different scale of duties, even if they are reductions of the existing taxes and duties; for, whether it be more or less, a tax or duty imposed does raise revenue; but it seems to be a contradiction in terms to say that a bill to repeal a special tax altogether, and thus prevent the collection of revenue from that source, is a bill for raising revenue. That the repeal may necessitate the imposition of other taxes is no argument against the power to introduce such a bill. It would be equally good against the power to originate a bill fixing the salaries of officers of Government, for every increase in these salaries necessitates additional taxation; and yet we think it has been shown that this power is undoubtedly possessed by the Senate.

"Besides, the repeal of the tax can not be accomplished without the

concurrence of the representatives of the people, who will then have the determination of whether it does require other taxes to be laid, and if it does, what these taxes shall be. Thus no safeguard of the people is taken away by the exercise of this power by the Senate.

"Again, if, as contended, the clause was intended as a protection to the larger States against the imposition of taxes by origination in the Senate, where each State has equal representation, how is this security affected by permitting the Senate to originate a measure for relief from that taxation which has already originated in the House? If the larger States can, by originating tax laws in the House, do injustice to the smaller ones, which have fewer Representatives, may not the smaller States, through the Senate, where each State is equal, at least make the effort to procure justice from the House, by sending it a measure for repeal?

"That no such view as that now taken has ever heretofore been seriously urged may fairly be inferred from the following list of laws upon the statute books, all of which originated in the Senate, and, as will be seen by their titles, much more nearly approach the character of revenue measures than does the bill for the repeal of the income tax.

"Others of similar character might doubtless be referred to if time permitted a more extended examination of the Journals, but these, beginning in 1815, and coming down to the session of 1870, will suffice to show the acquiescence of Congress in the power now questioned:

"First. To repeal so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposes discriminating duties. (Statutes, vol. 3, p. 224, ch. 77. March 3, 1815.)

"Second. To continue in force the second section of the act supplementary to an act to regulate the duties on imports and tonnage. (Statutes, vol. 3, p. 369, ch. 50. March 3, 1817.)

"Third. To continue in force act passed 20th of May, 1818, supplementary to the act to regulate the collection of duties on imports and tonnage, passed March 2, 1799. (Statutes, vol. 3, p. 563, ch. 44. April 18, 1820.)

"Fourth. To equalize the duties on vessels of the Republic of Colombia and their cargoes. (Vol. 4, p. 154, ch. 26. April 20, 1826.)

"Fifth. In addition to an act concerning discriminating duties of tonnage and imports, and to equalize the duties on Prussian vessels and their cargoes. (Vol. 4, p. 308, ch. 11. May 24, 1828.)

"Sixth. To repeal the tonnage duties upon ships and vessels of the United States, and upon certain foreign vessels. (Vol. 4, p. 425, ch. 219. May 31, 1830.)

"Seventh. To explain and amend the eighteenth section of the act of July 14, 1832, to alter and amend the several acts imposing duties on imports. (Vol. 4, p. 635, ch. 58. March 2, 1833.)

"Eighth. An act concerning the duties on lead. (Vol. 4, p. 717, ch. 139. June 30, 1834.)

"Ninth. Further to suspend the operation of certain provisos to an act to alter and amend the several acts imposing duties on imports, approved July 14, 1832. (Vol. 4, p. 778, ch. 44. March 3, 1835.)

"Tenth. To suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines. (Statutes, vol. 5, p. 725, ch. 359. July 4. 1836.)

"Eleventh. Explanatory of an act to release from duty iron prepared for and actually laid on railways and inclined planes. (Statutes, vol. 5, p. 61, ch. 233. July 1, 1836.)

"Twelfth. An act regulating commercial intercourse with the port of Cayenne, in the colony of French Guiana, and to remit certain duties. (Statutes, vol. 5, p. 489. June 1, 1842.)

"Thirteenth. To reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for prevention of frauds on the revenues of the Post-Office Department. (Statutes, vol. 5, p. 732, ch. 43. March 3, 1845.)

"Fourteenth. An act reducing the duty on imports, and for other purposes. (Statutes, vol. 11, p. 192, ch. 98. March 3, 1857.)

"Fifteenth. Supplementary to act to authorize a national loan, and for other purposes. (Statutes, vol. 12, p. 313, ch. 46. August 5, 1846.)

"Sixteenth. An act to authorize the refunding of the national debt. (Statutes of second session, Forty-first Congress, p. 272. July 14, 1870.)

"Having examined the adoption of this clause of the Constitution and the practice under it, let us now look at the construction which has been put upon it by commentators and others of authority. In aiding us to construe it we quote what Gouverneur Morris, one of that committee of revision, says in his remarkable letter to Timothy Pickering, written in 1814:

"'What can a history of the Constitution avail toward interpreting its provisions? This must be done by comparing the plain import of the words with the general tenor and object of the instrument. That instrument was written by the fingers which write this letter. Having rejected redundant and equivocal terms, I believe it to be as clear as our language would permit, excepting, nevertheless, a part of what relates to the judiciary.'

"If the language had been, 'all bills for the purpose of raising revenue,' it would hardly be contended that the plain import of these words would include not only a bill to appropriate revenue, but also one to repeal an act which had for its purpose the raising of revenue. And yet if these words had been inserted, it is submitted they would have been considered redundant, and stricken out. The words now used convey the same meaning as if Mr. Randolph's amendment had been adopted, the term "revenue" being substituted for money. A bill for raising revenue, in the plain import of the words, means a bill which intends to have, and will have, the effect of raising revenue; not of raising in the sense of increasing, but of producing, yielding revenue, and putting it into the Treasury.

"George Mason, in assigning his reasons for not signing the Constitution (1 Elliot's Debates, p. 494), says:

"'The Senate have the power of altering all money bills and of originating appropriations of money and the salaries of the officers of their own appointment, in conjunction with the President of the United States, although they are not the representatives of the people or amenable to them.'"

"Story, in his Commentaries on the Constitution, after reviewing the practice as to money bills in the British Parliament and the history of the clause in our Constitution, says:

"'What bills are properly bills for raising revenue in the sense of the Constitution has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is within the sense of the Constitution a revenue bill. He therefore thinks that the bills for establishing the post-office and the mint and regulating the value of foreign coins belong to this class and ought not to have originated, as in fact they did, in the Senate. (1 Tucker's Black. Com., appendix 261 and note.) But the practical construction of the Constitution has been against his opinion; and, indeed, the history of the origin of the power already suggested abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words and has not been understood to extend to bills for other purposes which may incidentally create revenue. No one supposes that a bill to sell any of the public lands or to sell the public stock is a bill to raise revenue in the sense of the Constitution. Much less would a bill be so deemed which merely regulated the value of foreign or domestic coins or authorized a discharge of insolvent debtors upon assignments of their estates to the United States, giving a priority of payment to the United States in cases of insolvency, although all of them might incidentally bring revenue into the Treasury.' (Section 877.)

"The same view is taken in Bouvier's Law Dictionary, title 'Money bills.' Rawle, in his view of the Constitution (page 60) questions the policy or necessity of this exemption, but says 'It was probably supposed that the members of the House of Representatives, coming more frequently from the body of the people and from their numbers, combining greater variety of character and employment, would be well qualified to judge not only of the necessity but also of the methods of raising revenue. On all other subjects a bill may originate in either House.'

"Curtis, in his History of the Constitution, considers that the adoption of this clause was influenced by the settlement of the mode of electing the President, in case of failure to choose by the electors. He says:

"'To this great influence [that of electing the President by the Senate] many members from the larger States desired, naturally, to add the privilege of confining the origin of revenue bills to the House of Representatives. They found in the committee some members from the smaller States willing to concede this privilege, as the price of an ultimate election of the Executive by the Senate, and of other arrangements which tended to elevate the tone of the Government by increasing the power and influence of the Senate. They found others also who approved of it upon principle. The compromise was accordingly effected in the committee, and in this attitude the question concerning the revenue bills again came before the convention.

"'But there, a scheme that seemed likely to elevate the Senate into a powerful oligarchy, and that would certainly put it in the power of seven States, not containing a third of the people, to elect the Executive, when there failed to be a choice by the electors, met with strenuous resistance. For these and other reasons not necessary to be recounted here, the ultimate choice of the Executive was transferred from the Senate to the House of Representatives. This change, if coupled with the concession of revenue bills to the House, without the right to amend in the Senate, would have thrown a large balance of power into the former assembly; and, in order to prevent this inequality, a provision was made, in the words used in the constitution of Massachusetts, that the Senate might propose or concur with amendments, as on other bills. With this addition the restriction of the origin of bills for raising revenue to the House of Representatives finally passed with but two dissentient votes.' (Vol. 2, pp. 221-222.)

"Adding as a footnote:

"'The history of this provision shows clearly that a bill for appropriating money may originate in the Senate.'

"The only authority quoted as directly asserting the view now taken by the House managers is Tucker's Blackstone (vol. 1, p. 195) and note in appendix (p. 261).

"The first reference we find to be a discussion, not of this clause of the Constitution, but of the equality of representation in the Senate, and, taken all together, does not sustain the position for which it is quoted. It reads thus:

"'As States, then, Rhode Island and Delaware are entitled to an equal weight in council on all occasions where that weight does not impose a burden upon the other States in the Union. Now, as the relation between taxation and representation in one branch of the legislature was fixed by an invariable standard, and as that branch of the legislature possesses the exclusive right of originating bills on the subject of revenue, the undue weight of the smaller States is guarded against effectually in the imposition of burdens. In all other cases their interests as States are equal and deserve equal attention from the Confederate government. This could no way be so effectually provided for as in giving them equal weight in the second branch of the legislature and in the Executive, whose province it is to make treaties, etc. Without this equality somewhere the Union could not, under any possible view, have been considered as an equal alliance between equal States. The disparity which must have prevailed had the apportionment of representation been the same in the Senate as in the other House would have been such as to have submitted the smaller States to the most debasing dependence. I can not, therefore, but regard this particular in the Constitution as one of the happiest traits in it, and calculated to cement the Union equally with any other provision that it contains.'

"On page 261 is a discussion of the power to coin money, and in a note the opinion of the annotator is shown to be contrary to the practice of the Government in its early history. We give it in full. Speaking of the bill which allowed a charge for coinage at the Mint, he says:

"'Consequently, every bill for this purpose, or for any other by which a revenue may be raised, should originate in the House of Representatives. Yet I am very much mistaken if a recurrence to the early Journals of the Senate of the United States would not prove that the several acts for establishing the Post-Office, for regulating the value of foreign coins, and for establishing a Mint all originated in the Senate. The reason for the acquiescence of the House of Representatives on these occasions probably was that no revenue was intended to be drawn to the Government by these laws, whereas, strictly speaking, a revenue is raised by the act establishing the Mint (2 Cong., c. 16, sec. 14) equal to one-half per cent, as an indemnification to the Mint for the coinage; and in the case of the bill for establishing the Post-Office, there can be no room to doubt that it operates as a revenue law, and that to a very considerable amount.'

"To show, however, the same author's view of the clause now under consideration, we quote him on page 215:

"'In the course of this parallel we have seen that every deviation in the Constitution of the United States from that of Great Britain has been attended with a decided advantage and superiority on the part of the former. We shall perhaps discover, before we dismiss the comparison between them, that all its defects arise from some degree of approximation to the nature of the British Government.

"'The exclusive privileges of the House of Commons and of our House of Representatives, with some small variations, are the same. The first relates to money bills, in which no amendment is permitted to be made by the House of Lords, is modified by our Constitution so as to give the Senate a concurrent right in every respect, except in the power of originating them, and this upon very proper principles—the Senators not being distinguished from their fellow-citizens by any exclusive privileges, and being, in fact, the representatives of the people, though chosen in a different manner from the members of the other House, no good reason could be assigned why they should not have a voice on the several parts of the revenue bill, as well as on the whole taken together.'

"Without extending these quotations further, we may safely say, not only that the legal authorities sustain the position taken by the managers on the part of the Senate, but many of them point out also the dissimilarity between our Government and that from which this restriction was borrowed, and that the provision is a remnant of English law and custom not in harmony with our institutions.

"The grant of the power of amendment was a surrender of the whole principle, for the power of amendment has no limit. If the House proposes to tax at one rate, the Senate may amend to another—lesser or greater. To any bill for raising revenue they may add amendments which increase or diminish burdens; which select new objects of taxation, or omit those proposed by the House. If they increase salaries or make appropriations, taxation may be necessary to pay them if the House concur. So, if they propose

to repeal the income tax, can more be said than that other taxes may be necessary, or may not be? Is the power to depend upon such a contingency? If so, where does this limitation stop?

"As Congress can exercise only the powers granted, and such powers as are necessary to carry them into effect, is it not reasonable to say that when one branch of Congress claims any power to the exclusion of the other branch that exclusion should be as plainly written as an express grant of power? Brought to that test it will be hard to find such exclusion of the power to repeal a law in the words 'all bills for raising revenue shall originate in the House of Representatives.'

"Looking at the origin and history of this clause, at the constant and unquestioned practice under it in the passage of so many laws which may affect revenue, at the preponderance of legal authority in construing it, and at the manifest difference between the structure and powers of our Government and those of the British Government, upon whose practice this distinction is sought to be established, we can not doubt that the Senate had the power to originate the bill which has given rise to this question; and, so considering, we do not think further conference necessary.

"JOHN SCOTT.
"ROSCOE CONKLING.
"E. CASSERLY."

[Congressional Globe, Forty-first Congress, third session, part 3, p. 1873 f, March 2, 1871.]

ANTHRACITE COAL.

Affirmed by circuit court, northern district of California (93 Fed. Rep., 954).
Also by circuit court of appeals (100 Fed., 442).

Anthracite coal containing less than 92 per cent of fixed carbon not free as anthracite coal not specially provided for under paragraph 523, act of July 24, 1897, but dutiable under paragraph 415 of said act.

Before the United States General Appraisers at New York, January 17, 1898.

In the matter of the protest, 34216 *b*-4075, of Chas. P. Coles, against the decision of the collector of customs at San Francisco as to the rate and amount of duties chargeable on certain coal, imported per *Muskoka*, and entered August 3, 1897.

Opinion by Tichenor, general appraiser.

This protest is against the assessment of duty at 67 cents per ton, under paragraph 415 of the act of July 24, 1897, upon an importation which is described in the invoice as "Abercrave best large double-screened anthracite coals," and was returned by the appraiser as "Coal containing less than 92 per cent of fixed carbon," the protestant claiming that it is entitled to admission free of duty under paragraph 523 of said act.

It appears from the report of analysis of the official sample, made by the examiner of drugs at the port of San Francisco, that the merchandise in question contained: Ash, 2.08 per cent; moisture, 1.17 per cent; volatile matter, 7.03 per cent, and fixed carbon, 89.72 per cent.

It is disputed by the protestant that the coal contained less than 92 per cent of fixed carbon. His contention is to the effect that, as anthracite coal is provided for eo nomine in paragraph 523, and is not specifically named in paragraph 415 of the new tariff act, the first-mentioned provision prevails. The pertinent provisions in the two paragraphs mentioned are as follows:

"Par. 415. Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel."

"Par. 523. Coal, anthracite, not specially provided for in this act."

Properly construed, the provision last quoted exempts from duty only such anthracite coal as contains 92 per cent or more of fixed carbon, as the provision cited in paragraph 415 clearly applies to all anthracite coal containing less than 92 per cent of fixed carbon. In other words, the two provisions may be fairly paraphrased so as to read:

"Par. 415. Coal, bituminous, and shale, and all anthracite and other coals containing less than 92 per cent of fixed carbon, 67 cents per ton," etc.

"Par. 523. Coal, anthracite, containing 92 per cent or more of fixed carbon."

This interpretation of the language of the provisions manifestly expresses the intention of the framers of the act and renders it unnecessary to look elsewhere for the legislative intent. However, a comparison of the corresponding provisions of previous tariff acts emphasizes this view of the purpose of the Congress in the premises.

Paragraphs 318 and 441 of the tariff act of August 28, 1894, contained these provisions respecting coals:

"Coal, bituminous, and shale, 40 cents per ton."

"Coal, anthracite (free)."

The language respecting bituminous coal and shale is substantially the same (except as to rate of duty) as was used in the different tariff acts as far back at least as June 30, 1864, and that relating to anthracite coal is identical with that in the different general tariff acts since the act of July 14, 1870, in which it was transferred from the dutiable to the free list.

If the framers of the present act had not intended any change with respect to coals other than in the dutiable rate, they would doubtless have adopted the descriptive language of the previous acts, in accordance with the long-established usage. In other words, if no change was intended, why add, in paragraph 415, the radically different language, "and all coals containing less than 92 per cent of fixed carbon," and in paragraph 523, the important qualifying words "not specially provided for in this act?" (Greenleaf *v.* Goodrich, 101 U. S., 281.) The protestant's contention could not be sustained unless these new provisions were treated as meaningless.

By reference to the CONGRESSIONAL RECORD, under date of June 30, 1897 (pp. 2496-2502), it will be seen that the proposition to impose a duty of 67 cents per ton on "all coals containing 92 per cent of fixed carbon" was expressly intended to cover anthracite coal. The discussion (in which Senators ALLISON, Allen, VEST, White, PERKINS, and others participated) was with that distinct understanding, as clearly appears from the following excerpts:

"Mr. VEST. Mr. President, as I understand this proposed amendment, it makes an entire revolution in the taxation upon coal. It puts anthracite coal upon the dutiable list, although a cursory examination of the paragraph would not leave that impression. I have not the amendment before me, but my recollection of it is that there is a duty of 67 cents upon all bituminous coal, and all coal having less than 92 per cent of carbon, which would include anthracite coal.

"Mr. ALLISON. On coal containing less than 92 per cent of carbon the duty proposed is 67 cents per ton.

Mr. VEST. That puts a duty upon anthracite coal. Mr. President, I wish to inquire, if I may respectfully, why this duty is imposed? According to the statistics of imports and exports, we exported from this country in 1896 $5,717,246 worth of anthracite coal, and we imported in all $345,963 worth. I should like to inquire, if we exported from the country nearly $6,000,000 worth of anthracite and brought in about $350,000 worth, why we should put this duty upon anthracite coal?"

The protest is overruled, and the assessment of duty affirmed.

COLES V. COLLECTOR OF CUSTOMS FOR PORT OF SAN FRANCISCO.

[Circuit court of appeals, ninth circuit, February 5, 1900.]

No. 530. Customs duties—Classification—Anthracite coal.

Anthracite coal, containing less than 92 per centum of fixed carbon, is within the provision of paragraph 415 of the tariff act of 1897, which imposes a duty on "coal, bituminous, and all coals containing less than 92 per centum of fixed carbon," and is not entitled to free entry under paragraph 523, in the free list, which includes "coal, anthracite, not specially provided for in this act."

Appeal from the circuit court of the United States for the northern district of California.

Sidney V. Smith for appellant.

Marshal B. Woodworth, assistant United States attorney (Frank L. Coombs, United States attorney of counsel), for appellee.

Before Gilbert and Ross, circuit judges, and Hawley, district judge.

Hawley, district judge. This is an appeal from the judgment of the circuit court (93 Fed., 954), sustaining the decision of the board of United States general appraisers, that a cargo of anthracite coal imported from Wales into the port of San Francisco, Cal., which contained "less than 92 per cent of fixed carbon," was subject to duty at the rate of 67 cents per ton, as provided by paragraph 415 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States" (30 Stat., 152-190), commonly known as the "Dingley tariff act." The contention of the appellant is that the decision of the appraisers and the judgment of the circuit court affirming it are erroneous in this: That anthracite coal is to be admitted free under paragraph 523 (30 Stat., 197). It is admitted that the coal in question is anthracite, and contains less than 92 per cent fixed carbon. The respective paragraphs read as follows:

"(415) Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel." "(523) Coal, anthracite, not specially provided for in this act."

The ordinary and plain meaning of these paragraphs would seem to leave no doubt as to their proper construction. Read in pari materia they are susceptible of but one meaning. Paragraph 415 provides a duty for all coals containing less than 92 per cent fixed carbon. There is no exception stated, and no reference made to other provisions of the act. There is no ambiguity or uncertainty in the language used. Paragraph 523 "Coal, anthracite, not specially provided for in this act" is placed on the free list but turning back to paragraph 415, it will be seen that all coal (which includes anthracite) that contains "less than 92 per cent of fixed carbon" is "specially provided for in this act;" and this paragraph therefore only applies to coal, anthracite, which contains 92 per cent or more of fixed carbon. There is no conflict between the two paragraphs. No words have to be interjected into either to make them clear, plain, and consistent with each other. It is a cardinal rule of construction that, if the language used is so clear as to admit of but one meaning, there is no room for any other construction. It is never allowable to interpret a paragraph or section which has no need of interpretation. To undertake a departure from the language used would, in fact, be an unjustifiable assumption by the court of legislative power.

It is the duty of the court, where the language is free from doubt or uncertainty, to confine itself to the words of the legislative body that enacted the law, without adding anything thereto or subtracting anything therefrom. These general principles are too well settled to require any reference to the numerous authorities upon this subject. If applicable to the present case, it necessarily follows that the judgment of the circuit court was correct. But the learned counsel for appellant has ingeniously and ably attacked this position, and, in apparent candor and with great earnestness, contends that the respective paragraphs are clearly susceptible of another meaning, and that it is apparent that the conclusions reached by the court are manifestly unsound and erroneous and contrary to the plain intent of Congress in passing the act in question. It would, indeed, be difficult for the legislative body to so frame a tariff act as to prevent any controversy as to its meaning upon the part of opposing counsel. It is always easy to "pick flaws" and "catch at straws," and make suggestions that, if the statute meant what is claimed for it by the opposing side, it is reasonable to believe that different language would have been used. (In re Wise (C. C.) 93 Fed., 443, 445.) It is sometimes difficult to answer these suggestions. The fact is that it is often unnecessary to do so, because the duty of courts, in the interpretation of statutes, is often fully accomplished by bringing sense out of the words used in the statute without attempting to use other words to bring sense into it.

In all cases where there is any ambiguity, doubt, or uncertainty, or where it is evident that the literal meaning of the words used would be inconsistent with or directly opposite to the policy, object, and purpose which the framers of the statute had in view in enacting it, great latitude is allowed in their interpretation. The rule is universal that in the exposition of a statute the intention of the lawmaker will prevail over the literal sense of the terms, and its reason and intention will prevail over the strict letter. When the words are not explicit the intention is to be collected from the context, from the occasion and necessity of the laws, from the mischief and the remedy in view; and the intention is to be taken or presumed according to what is consonant with sound reason and judicial discretion. But courts are not authorized to imagine an intent contrary to the ordinary meaning of the words used, and then seek to bind the letter of the act to that intent by arbitrarily striking out, inserting, or remodeling the language of the act for the purpose of making it express such intent.

The customs duties imposed by the tariff act are varied and extensive. They necessarily cover a great variety of articles classified under different heads. It often happens that in certain paragraphs there are certain mixed articles named, descriptive in their general character, and in other parts of the act there are other paragraphs containing other descriptions which might, if they stood alone, be sufficient to cover the same articles that are in the other paragraphs, either generally or specifically described. In the light afforded by this condition of affairs, appellant argues that the words "containing less than 92 per centum of fixed carbon," in paragraph 415, are not a specific description of any kind of coal, and cites authorities to the effect that when an article is designated by a specific name, and a duty imposed upon it by such name, general terms in another part of the act, although sufficiently broad to comprehend such article, are not applicable to it, and contends that, inasmuch as anthracite coal is specifically designated by name in paragraph 523, it should be admitted free of duty, without regard to the question whether it contains more or less than 92 per cent of fixed carbon, and that paragraph 415 should therefore be read: "All coals containing less than 92 per cent of fixed carbon, except anthracite coal, must pay duty."

This position would be materially strengthened if the facts were as counsel asserts, that "anthracite is specifically designated, without qualification, in the free list." But the fact is that it is not so designated. Anthracite coal is, it is true, specifically named; but it is to be admitted free, subject to the qualifying clause, "not specifically provided for in this act." This materially changes the meaning that might otherwise be attributed to it if this qualification had not been added. Appellant, however, argues that the added words do not modify the word "anthracite," and that there are no other

provisions in the act specially providing for "anthracite" by name. It is not denied that anthracite is coal, and that the words "all coal" in paragraph 415 would, if standing alone, without reference to paragraph 523, include anthracite coal; but this is met by the statement of appellant that, in order to make the respective paragraphs harmonize from his standpoint, the words "except anthracite" must be injected into paragraph 415. But, if the court can not see its way clear to amend that paragraph as suggested, counsel claims that the words in paragraph 523, "not specially provided for in this act," should be either omitted from the act or entirely disregarded by the court, in order that that paragraph might fully harmonize with paragraph 415 as amended in the manner contended for by him.

We are asked to disregard these words because it may be that they were simply thrown in, as was said by the Supreme Court in Smythe *v.* Fiske (23 Wall., 381; 23 L. Ed., 49), "out of abundant caution," and that there was nothing for the sentence to operate on, because anthracite coal was not specifically mentioned or provided for by any other paragraph or section of the act. If "all coal" were not comprehensive enough to include anthracite as well as any other kind of coal, whether specifically named or not, appellant's position might be sustained, but we are unwilling to give such a construction to the act, because it would necessarily imply that Congress did not understand the plain meaning of the words "all coal" contained in the paragraph in question. The words "out of abundant caution," as used in Smythe *v.* Fiske, do not imply that the sentence "not otherwise provided for" should be discarded in the interpretation of the different paragraphs or sections of the act; but, on the contrary, the opinion of the court clearly shows that the sentence must be given effect, and that its meaning should be interpreted in accordance with the legislative intent.

The opinion, in so far as it is applicable to this case, tends strongly to support the views we have expressed. There the question under consideration was whether the duty on silk neckties was to be governed by the eighth section of the supplemental act of June 30, 1864, or by the provisions of the acts of 1861 and 1862. The last clause of the eighth section of the act of 1864 reads as follows: "On all manufactures of silk or of which silk is the component material of chief value, not otherwise provided for." The circuit judge held that silk neckties came within the last clause of the eighth section of the act of June 30, 1864, unless the words "not otherwise provided for" excluded them from it, and brought them within the acts of 1861 and 1862, which provided for a less duty, and instructed the jury that this phrase referred, not to the preceding part of the eighth section of 1864, but to the prior acts of 1861 and 1862. The Supreme Court said:

"We agree with him as to the comprehensive character of the previous part of the sentence, if unqualified, but we dissent from his second proposition. To the latter we think there is a conclusive answer. The object of the statute was to increase the duties before imposed upon the things which it embraces. The title and the context alike show this. The preceding part of the section contains a very full enumeration of articles of silk, both manufactured and unmanufactured. It was evidently intended to be exhaustive. The last clause seems to have been added, as it is not unusual in such cases, out of abundant caution, that nothing might escape. Hence the phrase 'not otherwise provided for' was interposed and meant to apply, not to preceding acts which may not have been present to the mind of the draftsman, and to which there was no necessity to recur, but to the preceding enumeration in the same section, which is supplemented. The section, thus construing this clause, covers the whole subject of silk in all its variety of forms. It was complete in itself. There was no need to refer generally or specially to any prior act." (See also Movius *v.* Arthur, 95 U. S., 144, 147, 24 L. Ed., 420; Solomon *v.* Arthur, 102 U. S., 208, 212, 26 L. Ed., 147.)

The clause in question is made in the present case absolutely clear by adding, perhaps out of abundant caution, the words "in this act," so that no contention could possibly be made that it applied to any other act.

There is another canon of construction, which, if strictly observed, leads with unerring certainty to the conclusion that the paragraphs in question mean just what the language thereof naturally imports. "The intention of the lawmakers is the law." There are different methods of arriving at this intention. A comparison of former legislation upon the same subject may be made for the purpose of ascertaining whether the general object and purposes of the previous tariff legislation have been departed from or adhered to, and the views expressed by the members of Congress may be examined for the purpose of shedding light upon the question, if it is involved in any substantial doubt. The circuit court, in re Coles (93 Fed., 954 956), reviewed at length the statutes relative to duty on coal from 1789 up to the passage of the Dingley Act of July 24, 1897. Reference to this opinion shows that previous to the act of July 14, 1870 (16 Stat., 256, 266), which was an act to reduce internal taxes, and for other purposes, "coal, anthracite," has never been specifically mentioned in any tariff act. For over eighty years it had been subject to duty as other coal. By the act of 1870 "coal, anthracite," was placed on the free list; and with the exception of the act of June 6, 1872 (17 Stat., 250), where no mention is made of anthracite, it appears in the various subsequent acts on the free list as "coal, anthracite." It had been on the free list for over twenty years prior to the passage of the Dingley Act, under consideration. It thus affirmatively appears that the language used in paragraph 415 of the act in question is, as stated by the circuit court, "a departure from that of all previous sections of the law upon this subject, and distinctly provides that all coals containing less than 92 per cent of fixed carbon should be subject to a duty of 67 cents per ton." The same view was taken by the general appraisers:

"If the framers of the present act had not intended any change with respect to coals, other than in the dutiable rate, they would doubtless adopt the descriptive language of the previous acts, in accordance with the long-established usage. In other words, if no change was intended, why add, in paragraph 415, the radically different language, 'and all coals containing less than 92 per cent of fixed carbon,' and in paragraph 523 the important qualifying words, 'not specially provided for in this act?' (Greenleaf *v.* Goodrich, 101 U. S., 281; 25 L. Ed., 845.) The protestant's contention could not be sustained unless these new provisions were treated as meaningless."

The board also referred to the CONGRESSIONAL RECORD, under date of June 30, 1897 (volume 30, part 2, Fifty-fifth Congress, first session, p. 2146), from which it clearly appears that the imposition of the duty at 67 cents per ton on "all coal containing less than 92 per cent of fixed carbon" was expressly intended by the lawmakers to cover anthracite as well as bituminous coal.

"Mr. VEST. Mr. President, as I understand this proposed amendment, it makes an entire revolution in the taxation upon coal. It puts anthracite coal upon the dutiable list, although a cursory examination of the paragraph would not leave that impression. I have not the amendment before me, but my recollection of it is that there is a duty of 67 cents upon all bituminous coal, and all coal having less than 92 per cent carbon, which would include anthracite coal.

"Mr. ALLISON. On coal containing less than 92 per cent of fixed carbon, the duty proposed is 67 cents a ton.

"Mr. VEST. That puts a duty upon anthracite coal."

From whatever legal standpoint that can possibly be taken, under any authorized rules of construction of the provisions of the Dingley Act, the conclusion is irresistable that Congress intended that the respective paragraphs should be read just as they are written; and, so read, they are not susceptible of any other construction than that first given in this opinion.

But there is still another point, pressed by appellant with seeming confidence, that demands notice. The court below found that:

"All cargoes of coal whatever, including all cargoes of anthracite coals as they come from the mine, or are loaded or imported in ships or dealt in commercially, contain less than 92 per cent of fixed carbon, although sample lumps for custom-house, picked at random from such imported cargoes, have averaged as high as 94 per cent in fixed carbon."

And it is claimed that under such facts it would convict Congress of an absurdity to hold that it meant that no anthracite coal should be admitted free, and that such would be the effect if the paragraphs are interpreted according to their plain meaning. The finding relied upon was not upon the material question involved in this proceeding. The controlling question was as to the percentage of fixed carbon which the cargo of coal in question contained. The court found that it was less than 92 per cent of fixed carbon. Notwithstanding the testimony offered in this particular case, and which was to some extent conflicting, we must presume that Congress acted intelligently, with full knowledge of all the facts; for it would be absurd for the court to presume that Congress did not know what it was doing when it passed the act in question.

If it be true, as appellant claims, that no anthracite coal exceeds per centum on which the duty is imposed, then the argument here made should be addressed to Congress instead of to the courts. We do not make the law, nor have we any right to amend it; and it is not within our province to question its wisdom, policy, or expediency. These are matters that belong to an entirely separate department of the Government. Our duty is accomplished when we judicially determine the interpretation of the language used by the lawmaking power. The judgment of the circuit court is affirmed, with costs. (Coles *v.* Collector of Customs for port of San Francisco, 100 Fed. Rep., p. 442.)

AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment proposing to appropriate $25,000 to enable the Director of the Census to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES of Arkansas submitted an amendment relating to the compilation and publication of a complete roster of the officers and enlisted men of the Union and Confederate armies, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Printing.

Subsequently Mr. JONES of Arkansas reported the foregoing amendment from the Committee on Printing favorably, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 to pay De B. Randolph Keim for services rendered in connection with the compilation of "A Pronouncing Gazetteer and Geographical Dictionary of the Philippine Islands of the United States of America," intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000 to purchase portraits of the late Senators Allen G. Thurman and Simon Cameron, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to increase the appropriation for the salary of the United States consul at Sydney, Nova Scotia, from $1,500 to $2,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which, with the accompanying paper, was ordered to be printed and referred to the Committee on Foreign relations.

He also submitted an amendment proposing to appropriate $150,000 for improving the harbor of San Luis d'Apra, island of Guam, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

REGULATION OF TRUSTS OR CORPORATIONS.

Mr. HOAR. I ask unanimous consent that the bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce be printed to the extent of a thousand copies, to be put in the document room for the use of Senators.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

MARY T. ULLMAN.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary T. Ullman, only child of Vincent Ullman, late a

carpenter in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. B. F. BARNES, one of his secrectaries, announced that the President had on the 12th instant approved and signed the following acts and joint resolution:

An act (S. 2935) granting a pension to Joanna Rommel;

An act (S. 3212) granting a pension to Ellen A. Sager;

An act (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington;

An act (S. 4454) granting an increase of pension to John D. Sullivan;

An act (S. 5321) granting a pension to Rebecca H. Geyer;

An act (S. 5913) granting a pension to Cherstin Mattson; and

A joint resolution (S. R. 57) relating to military badges.

The message also announced that the President of the United States had on this day approved and signed the act (S. 4083) for the relief of Surg. John F. Bransford, United States Navy.

EFFICIENCY OF THE MILITIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day.

Mr. QUARLES. Mr. President, before the resolution is presented, I desire the attention of the Senate for a moment.

As a member of the Committee on Military Affairs, it has devolved upon me to call the attention of the Senate to the bill known as the militia bill. In the interest of the proper consideration and advancement of that important measure I desire to ask unanimous consent that the bill known as the militia bill may be taken up to-morrow immediately after the routine business of the morning hour, and that a vote may be taken upon the bill and the pending amendments on the 20th day of January, a week from to-day, at 11 o'clock in the morning.

Mr. BACON. Mr. President, I did not hear the request.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that to-morrow, after the routine business is completed, the bill known as the militia bill may be taken up for consideration, and that on the 20th day of January—the Chair understood the Senator from Wisconsin to say at 11 o'clock——

Mr. QUARLES. I will change the hour to 1 o'clock.

The PRESIDENT pro tempore. And that on the 20th day of January, at 1 o'clock, a vote may be taken without further debate upon the bill and all pending amendments and amendments then offered. Is there objection?

Mr. QUAY. I object for the present, Mr. President. One reason for objecting is that the Senator from Ohio [Mr. FORAKER] has given notice that immediately after the conclusion of the routine business to-morrow he will proceed to address the Senate on the statehood bill.

Mr. FORAKER. Mr. President, I would not allow that to stand in the way of the consideration of the militia bill. I can speak after 2 o'clock just as well. I think it is important that the militia bill should be considered, and I am very anxious to have it disposed of if we can agree upon a time for voting. The morning hour will possibly be occupied otherwise anyway. I gave the notice that at the close of the morning business I would desire to address the Senate, if it is agreeable.

Mr. QUAY. The difficulty is that the regular order is to proceed at 2 o'clock to-morrow.

Mr. FORAKER. What is the regular order?

Mr. QUAY. The Senator from Minnesota.

Mr. FORAKER. I have negotiated with the Senator from Minnesota, and he has agreed that it would be no discourtesy to him, if he has not concluded by that time, if I should take the floor at that hour.

Mr. QUAY. Then I withdraw my objection, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin?

Mr. BACON. Mr. President, as is well known to Senators, by reason of the debate that has been had upon this bill, there is no objection to the bill on this side of the Chamber so far as it relates to the organization of the militia. On the contrary, we are all of us in favor of it and would be glad to have the bill passed to-day.

The bill contains a provision for the creation of that which the Senator from Wisconsin himself aptly and properly terms as an adjunct to the Regular Army. To that there is very serious objection, and there are a number of Senators on this side who desire to be heard. It is impossible, in view of the condition of the business and of the number of measures which are pressing for consideration, to be able to say what time can be given between now and the 20th to enable them to be thus heard; and if it is the purpose of the majority to insist that the militia bill shall carry with it this provision, which relates exclusively to the Regular Army, I must object.

The PRESIDENT pro tempore. Objection is made.

Mr. BACON. I do not object to so much of the request as relates to the consideration of the bill, but I do object to that part of it which proposes to fix a time for the vote so long as the twenty-fourth section is in the bill.

Mr. QUARLES. Then I ask unanimous consent that the bill known as the militia bill may be taken up to-morrow morning immediately after the routine business of the Senate.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that immediately on the conclusion of the routine morning business to-morrow morning the militia bill may be taken up for consideration.

Mr. PETTUS. I desire to know whether that is to the exclusion of the regular order when 2 o'clock arrives?

The PRESIDENT pro tempore. It is not.

Mr. QUARLES. Oh, no; not at all.

The PRESIDENT pro tempore. The unfinished business holds its place.

Mr. ALDRICH. I should like to make another reservation, which I am sure the Senator from Wisconsin will not object to, that it shall not interfere with the consideration of a revenue bill. I have reason to believe that the House may pass a bill to-day which will be here some time in the course of the day; and if so, it probably will be reported back to-morrow morning by the Committee on Finance, and if we can secure the attention of the Senate it will be passed possibly in the morning hour.

Mr. COCKRELL. What bill is that?

Mr. ALDRICH. A revenue bill from the House.

Mr. QUARLES. If that emergency should arise, I will say to the Senator that there will be no objection to its consideration.

Mr. ALDRICH. I take it for granted.

Mr. BACON. Mr. President, I desire to make a parliamentary inquiry. What is the effect, so far as it relates to other business, of this unanimous-consent agreement? The point I desire to ask the Chair for information upon is this: If unanimous consent shall be given that the bill shall be taken up at the time mentioned by the Senator from Wisconsin, does that confine the Senate necessarily to the consideration of the bill during that morning hour and succeeding morning hours, to the exclusion of the consideration of other questions?

The PRESIDENT pro tempore. Only during that morning hour.

Mr. BACON. But during that morning hour it does?

The PRESIDENT pro tempore. It does.

Mr. BACON. In other words, if consent is given and the order is made, during the morning hour immediately after the conclusion of the routine business this bill will be in order, and no other business will be in order until 2 o'clock?

Mr. HOAR. Unless this bill is sooner disposed of in the meantime.

The PRESIDENT pro tempore. Yes, of course; if it is disposed of.

Mr. BACON. Then I shall object. I wish the Senator from Wisconsin to understand that I do not object to his calling the bill up at any time when other business of the Senate can properly be displaced by it, but I do object to an order which will give it the exclusive right of way during the morning hour.

The PRESIDENT pro tempore. Objection is made.

Mr. QUARLES. Then, Mr. President, I desire to move that the bill known as the militia bill shall be taken up for consideration to-morrow immediately after the routine business, to occupy the morning hour to-morrow.

The PRESIDENT pro tempore. Will the Senator allow the Chair to suggest that the motion be made to-morrow morning. Otherwise it would make it a special order.

Mr. ALDRICH. I suggest to the Senator to give notice.

Mr. QUARLES. Then I give notice that to-morrow morning I shall move to take up the bill known as the militia bill immediately after the routine business.

Mr. ALDRICH. I hope the Senator from Wisconsin will supplement that notice by the further notice that he will make a similar motion on every morning, subject, of course, to the right of appropriation and revenue bills, until the measure is disposed of.

Mr. QUARLES. That is my purpose, Mr. President.

Mr. TILLMAN. Mr. President, I should like to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TILLMAN. If the Vest resolution, which is the pending business, should go over to-day because of the lack of completion of discussion on it, would it be handed to the Senate to-morrow as the regular order, which could not be displaced except by a vote of the Senate?

The PRESIDENT pro tempore. If it goes over to-day without a unanimous-consent agreement that it shall retain its place on the table, it goes to the Calendar.

Mr. TILLMAN. Without unanimous consent?

The PRESIDENT pro tempore. Without unanimous consent.

Mr. TILLMAN. I understood that; but what I was trying to reach was the President's ruling as to whether a Senator who was speaking, for instance, at 2 o'clock, could resume the floor to-morrow when the resolution came up. Of course I understand that under our liberal rules here you can not keep a man from talking, and if I happen to be speaking on the resolution when the morning hour expires to-day, I could just as easily talk on whatever might be brought up; I could unbosom myself on the military bill or any other bill. Therefore I am not so anxious about getting an opportunity to be heard. I simply wanted to know whether I could talk on some subject that was relevant or whether I should be compelled to address the Senate when some subject which was irrelevant was under consideration.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over by unanimous consent from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

The PRESIDENT pro tempore. The pending question is on the motion of the Senator from Rhode Island [Mr. ALDRICH] to refer the resolution to the Committee on Finance.

Mr. ALDRICH. Mr. President, I yield to the Senator from Iowa [Mr. DOLLIVER], who desires to make some remarks on the resolution.

Mr. DOLLIVER. Mr. President, I have not desired to get entangled in this controversy, and would have avoided it had it not been for some observations made on yesterday by the honorable Senator from Tennessee [Mr. CARMACK], which, it seems to me, require a little attention and an appropriate reply.

The Senator from Tennessee—whom I do not now see in the Chamber, although he was here a moment since——

Mr. BATE. I do not think my colleague has been here this morning.

Mr. BLACKBURN. Yes, he was here; and he will be in the Chamber again in a few minutes.

Mr. DOLLIVER. I have asked that he be sent for.

The Senator from Tennessee, quoting, I think, from a speech of the junior Senator from Massachusetts [Mr. LODGE], has made a very interesting and curious attack upon the Secretary of the Treasury.

I am not one of those who look for very much relief from the coal famine through any action which Congress may take in respect of the alleged duty on anthracite coal. A person in this city who has seen his coal bill rise to $12 a ton has difficulty in getting up either zeal or enthusiasm for a scheme of relief that proposes a remission of a duty of 67 cents. However, under all the circumstances of the case, I do not doubt the propriety of restoring, at least for the time being, the law as to coal as it stood up to 1897, though I am very far from agreeing with those who think or with those who have said that the provisions of the present law were sneaked into the bill of 1897 in any underhand or covert way whatever.

The thing about the coal traffic that has impressed me more than anything else is the fact that when others were indifferent and careless and without foresight the head of the executive department of the Government, long before the shortage arose, with extraordinary practical wisdom and good sense, forecast the intolerable conditions that were about to be visited upon our people; and we owe to him more than to anybody else that the coal famine, so called, has borne as lightly as it has upon the people of the United States.

It is to the credit, it appears to me, of the Secretary of the Treasury that he entered into the spirit and purpose of the President for preventing, as far as the executive department might be able to avert it, such a visitation as has been threatened against the community; and it seems at least unfortunate that the Senator from Tennessee should have made the effort of the Secretary of the Treasury to forward the purpose which has animated the executive department the occasion for an attack which can hardly be described as less than absurd in the light of all the facts.

I find that the Senator from Tennessee has referred to the Secretary of the Treasury in terms which he thinks applicable to the despots of English and other history, and has alluded to him as a nullifier of the statutes of the United States in exercising arbitrary authority in his great office.

Now, the facts are that the Secretary of the Treasury has done nothing that any man of ordinary business prudence under the same circumstances would not have done.

The act of 1897 made an effort to define anthracite coal, and I think an intelligent and proper effort in that direction. The line of distinction was the amount of fixed carbon contained in the article called anthracite; and the limit under which the duty should be collected, and above which it should not be collected, was drawn at 92 per cent of fixed carbon.

At the time the Secretary of the Treasury took the action which is complained of, cargoes of coal were being presented at New York and elsewhere, and the cargo which drew out the order upon which the Senator from Tennessee has commented had a very singular history. It had been chemically tested twice by reputable chemists acting for the importing house and found to contain 94 per cent of fixed carbon. It had once been tested by the officers of the Department and found to contain more than 92 per cent. Another test indicated a slight shade under 92. Under the circumstances the Secretary of the Treasury gave an order, directed to the collectors of customs at New York, at Boston, and at all the coal ports, which, it seems to me, is not only good common sense, but is so framed as to particularly free him from the odium of such charges of despotism and usurpation as are made against him by the honorable Senator from Tennessee.

I have here the order of the Secretary of the Treasury, made under the circumstances which I have described, and I will ask the Secretary to read it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF CUSTOMS,
Washington, October 6, 1902.

MY DEAR SIR: Reports indicate that quite a large quantity of coal is being imported. If any portion of this should arrive at the port of New York, the Department desires every facility afforded for its prompt delivery. So far as may be, give consignments of coal the preference over everything else, and solve all reasonable doubts for the present in favor of the coal importer.

Very truly, yours,

L. M. SHAW.

Hon. N. N. STRANAHAN,
Collector of Customs, New York City.

Mr. DOLLIVER. I will say, Mr. President, that the same order was delivered to the collectors of customs at all the coal ports of the United States. I believe the honorable Senator from Tennessee will agree with me that it contains nothing that ought to hold the Secretary of the Treasury up to odious comparisons with the tyrants of English or Roman history, or other desperately wicked persons.

Now, while I am upon my feet, Mr. President, I am constrained to say a few things in reference to matters which have become subjects of debate here, although they are not strictly pertinent to a discussion such as is involved in the resolution under consideration.

A very entertaining controversy has grown up about the designs and purposes of Congress, and especially of the late honored chairman of the Ways and Means Committee of the House of Representatives, in respect to the reciprocity treaties based upon the tariff law of 1897; and I desire to say candidly, because there are reasons which ought to move everybody to speak with candor, that I have been disappointed in the total failure of Congress to take up, consider, and favorably dispose of the pending reciprocity treaties.

I presume that something of my interest in these treaties arises from the fact that they were negotiated by one of the most famous men in the public life of the State which I have the honor in part to represent here, and I have felt that the attitude of Congress toward these treaties is far from creditable to the Government of the United States. We saw the reciprocity treaties of 1890 cast into the sea without a moment's notice to the ten or fifteen foreign countries with whom we had solemnly negotiated them. We have since, by law, authorized the negotiation of other treaties, some of which are pending before the Senate and the House in the present Congress, and we have been so far forgetful of the high obligation which rests upon the Congress of the United States under the tariff law of 1897, that we have not given to those solemn public negotiations the poor courtesy of a casual consideration. I feel sure that everybody who is familiar with the diplomatic history of the United States will agree with me that, following the rude cancellation without notice of the reciprocity treaties of 1890, this negligence and indifference of Congress has cast still further odium upon the treaty-making power of the United States.

I will not seek the attention of the Senate as a witness to conversations with the dead or with the living, but I may, I think, be permitted to say that I share with the Senator from Maine [Mr. HALE] his kindly and generous feeling toward the memory of Governor Dingley. The only thing that has depressed me about it is that, in defending Governor Dingley against the charge that was made against him, the Senator from Maine has

left the impression upon the country that some infamous accusation had been made against his fair fame. He was charged here with the hideous crime of having so arranged the tariff schedules in the law of 1897 as to warrant and permit the negotiation of reciprocal trade treaties with foreign countries, and he has been accused, almost in terms of reproach, of having been guilty of the complex offense of deliberately putting duties up in order that they might be negotiated down.

I do not intend to indulge in any bearing of testimony as to Governor Dingley's views. He left his opinions upon record, and no man in the history of the United States has left a cleaner or more honorable record. But it is true that in the bill which he reported from the Committee on Ways and Means, of which at the time I had the honor to be a very humble member, duties were put up for the express purpose of having them traded down. I refer expressly to the provision in the House bill reported April 1, 1897, in relation to the sugar duties.

It is proper for me to say that Governor Dingley took less interest in the reciprocity aspects of the tariff agitation of that period than probably anybody else upon the committee.

I had the honor to serve as a member of the subcommittee, of which Representative HOPKINS, of Illinois, was chairman, which dealt with the reciprocity problems of that period, and in the discussion of the tariff law of 1897 Governor Dingley very courteously turned over to Mr. HOPKINS the discussion of the reciprocity provisions of the proposed measure. I propose to read from a speech of the 22d of March, 1897, by Mr. HOPKINS, of Illinois. He said:

We seek in authorizing the President to suspend the rates of duty, and that thereupon and thereafter there shall be collected a lower duty than the one specified in the bill, to make it an object for countries producing the articles named in the first part of this reciprocity bill to enter into these reciprocal agreements or make equivalent concessions in favor of the products of our farms and factories which enter their markets. Let me illustrate. We furnish for Germany to-day her largest market for beet sugar. Millions of dollars worth of this product, manufactured in Germany, is yearly consumed by American citizens. In framing this bill, in order to raise sufficient revenue to run the Government and meet all the expenditures that the Administration may be called upon to pay, we have imposed a certain rate of duty on sugar, commencing with 1 cent per pound on all sugars that will test 75 degrees by the polariscopic test and increasing three one-hundredths of 1 cent on every additional degree until we reach 100 degrees, and then adding one-eighth of 1 cent per pound for refined sugar. Now, we have provided in this reciprocity branch of the bill that only 92 per cent of this duty shall be collected from countries importing sugar here that enter into reciprocal agreements with the United States, and we believe that will be a sufficient inducement to the German Government to reopen her markets for all of the products of our farms and factories.

I will read further from Mr. HOPKINS, to show that, so far at least as some members of the committee of which Governor Dingley was the chairman were concerned, it was the hope—a hope in which I myself shared—that these reciprocity provisions which we inserted in the bill should be enlarged very much beyond the scope outlined by the report of the committee; for we were crowded for time. The extra session of Congress was coming on apace; we were busy with the details of the various schedules of the bill, and the great scheme of providing a working reciprocity system was not as fully considered in the committee as we hoped it would be considered before the adjournment of that Congress which had to deal with the bill. So Mr. HOPKINS said:

We stand for protection first and foremost, and we desire to couple with that the principle of opening foreign markets for our goods; but the gentleman can see that it would not do at all to take all the duty from sugar, because if we did Germany would furnish us all the sugar that would be consumed here, and would destroy the industry in this country. We must have a maximum and a minimum rate on all articles manufactured and produced in this country.

Mr. President, it seems to me to require somebody's attention when that homely, sensible, time-tested plan now in practice in nearly every country in the world, of fixing the rate of duty high enough to be made the basis of subsequent reciprocal agreements, is denounced here in the Senate of the United States as an infamy, against which the memory of Governor Dingley is to be defended. I for one at least feel a constraint of conscience to stand here and say that, in my humble opinion, there is nothing infamous about it. It is a scheme that is in practice in every government of Europe that has a tariff system at all similar to our own. It is a system that ought not to be spoken of here as infamous, because it is at least as important a part of the tariff law of 1897 as is the duty on coal, for instance. Fortunately we do not have to pry into the secrets of Governor Dingley's grave to find out exactly what was in the mind of Congress when the law which bears his great name was passed.

I have here the tariff act of 1897, and I intend to read a section that Governor Dingley did not put into the bill—a section that found its way into the bill, I think, in conference after it had passed both Houses, although I may be mistaken about that. But I want to call attention to section 4 of the tariff act of 1897, which reads:

SEC. 4. That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall, within the period of two years from and after the passage of this act, enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty or treaties, in consideration of the advantages accruing to the United States therefrom, shall provide for the reduction during a specified period, not exceeding five years, of the duties imposed by this act, to the extent of not more than 20 per cent thereof, upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this section provided for; or shall provide for the transfer during such period from the dutiable list of this act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of this act during a specified period, not exceeding five years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country with which such treaty has been made shall, during the period provided for, be the duties specified and provided for in such treaty, and none other.

Mr. President, I call attention to the fact that whatever Governor Dingley may have said or done the Congress of the United States did solemnly authorize the President to enter into reciprocal negotiations with foreign countries for the purpose of extending American commerce by the simple expedient of reducing, not to exceed 20 per cent, the duties assessed by the tariff law, and if it was infamous for Governor Dingley and if it is a reproach to his memory to have suggested that such a thing was in his mind or in the mind of anybody else, what shall be said of the great body of both Houses of the Congress of the United States? If it is necessary for learned and able men, honored in the public service, to rise in this Chamber to defend the memory of Governor Dingley against an infamous charge like that, where is the advocate who shall defend the memory of the Congress of 1897?

I say to you, Mr. President, that that portion of the tariff law of 1897 is as distinctly a part of the tariff policy of the United States as the coal schedule or any other schedule, and I undertake to say here that more violence has been done to the protective system of the United States by the quiet and uncommunicative failure of the Senate of the United States to take action upon the treaties which were negotiated under the authority of the act of 1897 than by all the noise that has been made on the other side of this Chamber about coal or the other so-called extortions of the law.

There is a popular interest in this controversy that is not altogether represented by the Senator from Missouri [Mr. VEST] or the Senator from Tennessee [Mr. CARMACK]. For one I stand for the whole protective policy of the United States; the law of 1897, modified as it may be in the wisdom of Congress from time to time to meet the changing conditions of American business. It would be a reproach to the statesmanship of the United States to say that there is no way of changing the tariff schedules of 1897 without a general tariff agitation and hostile explosions on the subject in the arena of partisan politics. For forty years we have had no mechanism for changing the tariff in detail except by a swing of the pendulum toward the material ruin involved in the threat of Democratic free trade. Our whole tariff system has already, at least once, been worn out for the want of repairs, until at last its enemies captured the citadel of authority and overthrew it in the midst of panic and disturbance from which no branch of American business was able to escape.

It was in the mind of the late President of the United States—and I speak not without personal knowledge of his purpose and of his convictions—that we had at last reached a period when the protective system, as a system, was without organized opposition anywhere in the United States, and I feel sure that I do not misrepresent his purposes and his convictions when I say that he looked forward to the gradual extension of American commerce, not by hostile agitation of the tariff question, but by a quiet and orderly extension of the principle of reciprocity, remitting duties, from time to time, that could be spared, and gathering in the commercial good will of all of the great countries of the world; and if his last public appearance before the American people and before mankind had any significance at all it meant that the future of American commerce depends in a large measure upon the gradual readjustment of those tariff schedules of 1897 which are no longer needed to give our own industries a fair and profitable footing in our own market place.

I do not intend, having been all my lifetime a disciple of Mr. Blaine and nearly all my lifetime a follower of William McKinley—I do not intend to sit quiet in this Chamber while it is said to be infamous that anybody should have the notion that a tariff schedule once framed could not be honorably modified by sensible trade negotiations with the world. It is a reproach to the Government of the United States to-day that there is hardly a line of the wisdom of James G. Blaine remaining upon the statute books of our country, and that not one step has been taken to give reality to the magnificent vision which illuminated the last days of poor McKinley's earthly career.

I for one have made up my mind that the time has come when

somebody whose convictions do not lie along the path of silence and quietude and ease in our political Zion should declare here that the whole future of the protective system in the United States depends upon the wisdom with which the Congress of the United States fulfills the aspirations which found an expression so lofty in the last public utterance of William McKinley.

Mr. TILLMAN obtained the floor.

Mr. CARMACK. Will the Senator from South Carolina allow me to say a few words?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. TILLMAN. I do.

Mr. CARMACK. Mr. President, I have only a few words to say in regard to the matter to which the Senator from Iowa [Mr. DOLLIVER] referred in the early part of his speech. The Senator from Iowa accuses me of having made reckless charges against the Secretary of the Treasury, Mr. Shaw. I want to say that that question comes properly between the junior Senator from Massachusetts and the Senator from Iowa. I am not the author of the charge to which the Senator refers. I simply quoted the accusation as made by the Senator from Massachusetts. I referred to a speech made by the Senator from Massachusetts during the late campaign at New Haven, Conn., in which that Senator asked the question:

> Who let coal come in without a rigid inspection of the amount of required carbon? The Republican Secretary of the Treasury, Shaw.

If that means anything in the world, it means that the Secretary of the Treasury omitted to make the necessary inspection to determine whether or not the coal contained the amount of carbon required by law. That is a charge in effect that he suspended the law. The only purpose of making a rigid inspection was to determine whether or not the coal did contain the amount of required carbon. The only purpose of letting the coal come in without inspection was to let it come in regardless of whether or not it contained the required carbon.

So I say that if the statement made by the Senator from Massachusetts is correct, it amounts to an accusation that the Secretary of the Treasury practically suspended the law, and in the statement made the other day by the Senator from Missouri [Mr. VEST] he quoted a letter from L. G. Martin, special deputy collector, at Philadelphia, in which he says that no analysis of coal was made; that "the coal was passed free of duty upon the oath of the importer."

Mr. President, everybody knows that if that was adopted as a rule, it would be utterly insufficient as a matter of protection. You could not rely upon the oaths of importers as to whether or not the goods imported were dutiable, and the only object of omitting the rigid inspection which had theretofore been required was to let the coal come in regardless of the requirements of the law.

I repeat, it is not an accusation which I have made. It was a matter for boasting on the part of the Senator from Massachusetts during the late campaign. He boasted to the people of New England that while the Republican party had enacted a law to keep out anthracite coal, the Republican Secretary of the Treasurer, Shaw, had suspended the law to let the coal come in. That is the substance of his statement. It is a matter of which he boasted before his constituents, and he carried the State of Connecticut upon that boast. If he had told the people that the Secretary of the Treasury had enforced the law, the State of Connecticut, I have no doubt, would have gone Democratic. The law was so unpopular that it was actually popular for the Secretary of the Treasury to assume the authority of suppressing, abrogating, abolishing this Republican law.

Mr. TILLMAN. Do I understand the Senator from Tennessee to say that Connecticut and Iowa have nullified?

Mr. CARMACK. You understand the Senator from Massachusetts to say that they have done so.

Mr. TILLMAN. And that the Senator from Massachusetts indorses nullification?

Mr. CARMACK. Certainly.

Mr. TILLMAN. I thought that was a South Carolina monopoly.

Mr. CARMACK. It used to be, but times change and sections of this country change with them. Massachusetts has now become the great nullifying State, and it is not John C. Calhoun, but the junior Senator from Massachusetts, who is now the great nullifier in this Chamber.

Mr. President, I was glad to hear the bold and brave and outspoken speech of the Senator from Iowa [Mr. DOLLIVER]. Charges have been made that Senators upon this side of the Chamber have made partisan speeches. It is not necessary that we should make any more. I am willing from this time on that the debate shall be conducted between Senators upon the other side of the Chamber. I am glad to hear the admission made by the Senator from Iowa that the rates of duty in the Dingley Act were purposely made too high, even from the standpoint of a Republican, even from the standpoint of a most extreme protectionist, with a view to their subsequent reduction by reciprocity treaties.

The Senator from Iowa says he is very much disappointed that no action has been taken by this Congress on those treaties. The Senator's disappointment is liable to grow deeper as the days go by. No action ever will be taken by the Senate or by this Congress on those reciprocity treaties, because the Dingley bill having been enacted, in the minds of protectionists it has become a sacred thing. Nobody would defend the anthracite coal duty as a separate and distinct measure, but having been merged, incorporated, and become a part of the sanctified Dingley Act, the laying of a hand upon that sacred measure now would be an act of sacrilege like unto that of the overzealous Jew who laid his hand on the Ark of the Covenant. You must not touch the Dingley Act, although the duties were made too high, even from the standpoint of Republicans and of protectionists themselves. It has become a law, and you must not change it for reciprocity or to relieve the suffering people of the country now in the midst of winter, or for any other purpose.

As I have said, I do not care to go into this debate any further. I think it is unnecessary. When the Senator from Rhode Island and other Senators upon the other side of the Chamber have answered the powerful argument and the powerful appeal made by the Senator from Iowa, it will be time enough for some other Democrat to say something on this question.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. FAIRBANKS in the chair). The Senator from Massachusetts.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Of course.

Mr. TILLMAN. The Senator from Massachusetts can not yield the floor to me, when I just yielded it to the Senator from Tennessee and hold it in my own right.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair when the Senator from South Carolina obtained the floor.

Mr. TILLMAN. If the Presiding Officer recognizes my right to the floor I will yield to the Senator from Massachusetts; otherwise I shall claim it.

Mr. LODGE. Certainly; if the Senator from South Carolina is——

Mr. TILLMAN. Does not the Senator from Massachusetts recognize that the floor is mine?

Mr. LODGE. Absolutely; it is yours.

Mr. TILLMAN. Then I yield to Senator from Massachusetts.

Mr. LODGE. I am very much indebted to the Senator from South Carolina. I shall take but a moment.

Mr. President, I had the misfortune—for it is always a misfortune to miss the Senator from Tennessee when he addresses the Senate—to be absent from the Chamber yesterday when he quoted from a speech of mine at New Haven. I am not sure—I think it is a long-hand report—whether or not those were my exact words.

But I have no disposition to dispute the intention of what I said. The purport is certainly correct. I was referring to the letter read here by the Senator from Iowa this morning as to the action of the Secretary of the Treasury. It was a time of great public exigency. In his directions to his collectors of customs, he proposed to construe very liberally the law in regard to the test of coal, relaxing it, if you prefer that word. I thought it was an exigency in which he was justified entirely in doing it, and I think so still. I did not, however, and I do not want to have anything attributed to me that is not mine, compare him to the Stuart Kings of England or any other despots, for I think I may say that I had too strong a sense of humor to do that.

I think he was right. I think it was an exigency requiring such action, and I added what does not appear in the quotation here, that if he needed an act of indemnity for anything he had done, the Congress of the United States I had no doubt would give it to him, with the full approbation of the people of the United States.

I do not conceive that he nullified the law. I am perfectly certain that neither Massachusetts nor Connecticut nullified the law because the collectors of ports are not State officers. But I do think that the Secretary, in giving the order at that time to his collectors to construe the law liberally in regard to the test on coal, did a courageous and a right thing. I applauded him then. I applaud him now. I think he was fully justified, and I think it was courageous, because he took the risk of misunderstanding and of attack, and was ready to do it and to trust to the good sense of the Congress of the United States and the people of the United States if he did relax a law which at the moment, owing to peculiar conditions, pressed very hardly upon the people of the United States. I have nothing to withdraw in regard to my praise of the Secretary.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. If I understand the Senator, his position is that the Secretary of the Treasury did not suspend the law; he just relaxed it.

Mr. LODGE. I think he construed it liberally. I think he relaxed it probably in those instructions which have been read here. I should say it was——

Mr. CARMACK. Why was any suggestion of an indemnity on the part of Congress necessary?

Mr. LODGE. I do not think any was necessary.

Mr. CARMACK. Why did the Senator suggest it?

Mr. LODGE. I said if one were necessary, which is a different thing. I put in the hypothesis purposely, because I did not mean to advocate any officer violating the laws of the United States.

Mr. CARMACK. What does the Senator mean by relaxing a law?

Mr. LODGE. I mean exactly what I have said, that he construed the matter of the test of coal liberally and that he told his collectors to construe it liberally——

Mr. CARMACK. For what purpose?

Mr. LODGE. As it was read here this morning. That is what it amounted to—to construe it liberally.

Mr. DOLLIVER. If the Senator from Massachusetts will permit me, these tests of a cargo of coal are necessarily very difficult and uncertain. You have to take a certain small portion of the coal and test it. It very often happens that one test indicates that the coal is a little above the minimum grade, while another shows it is under, and there would be a contradiction of tests, as there was in the case upon which the Secretary's order was issued; and in such cases the direction of the Secretary to the collector was to solve doubts and uncertainties about it in favor of the free importation of coal. There was something wrong about it.

Mr. LODGE. That is what I understood at the time, and to that I referred. And if my praise of the Secretary in that connection had the great effect which the Senator from Tennessee is kind enough to attribute to it, of carrying the State of Connecticut for the Republican party, I am glad my remarks were so effective.

Mr. TILLMAN. Mr. President——

Mr. ALDRICH. Will the Senator from South Carolina allow me?

Mr. TILLMAN. I have yielded so much that if I yield further there will be nothing left of the morning hour.

Mr. ALDRICH. We will have another morning hour.

Mr. TILLMAN. We have notice that to-morrow we will take up something else.

Mr. ALDRICH. This question is certain to be back here in some form or other.

Mr. TILLMAN. Certainly; the discussion of this question will be back here in some form or other, but I have a peculiar desire to discuss it on the Vest resolution. Will the Senator from Rhode Island protect me in my right after the expiration of this morning hour?

Mr. ALDRICH. I certainly will, if the Senator needs protection?

Mr. TILLMAN. I ask unanimous consent that the Vest resolution may retain its place and come up for discussion to-morrow morning.

Mr. ALLISON. On Thursday, if to-morrow has been assigned.

Mr. TILLMAN. The morning hour to-morrow has not been assigned.

The PRESIDING OFFICER. What is the request of the Senator from South Carolina?

Mr. TILLMAN. I make the request that the pending resolution at the expiration of the morning hour to-day shall not lose its place, but shall go over and be taken up for discussion to-morrow morning.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the resolution before the Senate be considered to-morrow morning——

Mr. TILLMAN. I ask that it shall retain its place.

The PRESIDING OFFICER. That the resolution shall retain its present place before the Senate. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

Mr. TILLMAN. I now yield to the Senator from Rhode Island.

Mr. BAILEY. Before the Senator from Rhode Island proceeds——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. I do, for a suggestion.

Mr. BAILEY. In order that there may be no misunderstanding about it, I do not see in the Chamber the Senator from Wisconsin [Mr. QUARLES], who gave notice of his intention to move to take up the militia bill to-morrow. I believe that even under this arrangement that Senator could come into the Chamber and make the motion.

Mr. BERRY. He is bound by the unanimous-consent agreement.

Mr. ALDRICH. The unanimous-consent agreement supersedes that.

Mr. LODGE. This is morning business, too.

Mr. BAILEY. Mr. President——

Mr. TILLMAN. There is the Senator from Wisconsin, and he has not objected.

Mr. BAILEY. I simply desired to have it understood, because those mistakes arise sometimes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. ALDRICH. Mr. President, I am not surprised that the lines of discussion upon the pending resolution should have broadened and broadened from time to time as it has proceeded. I expected this when the Senator from Missouri first offered it. I do not intend at this time to attempt to reply or to allude at any length to the eloquent exemplification of the Iowa idea to which the Senate has just listened. I have been trying to discuss a much narrower question. The allegation was made here that Mr. Dingley, as chairman of the Ways and Means Committee, made the statement in March, 1897, the tariff act of 1897 being then before the Ways and Means Committee for consideration, that he had deliberately placed the protective duties of that measure too high, for the purpose of having them reduced afterwards by reciprocity treaties.

Now, if any friend or associate of the late Governor Dingley can remain silent to that charge, and does not repel it, if he believes it to be untrue, as it certainly is, then I do not understand that person's idea of honor. I have already stated, and shown by the RECORD, that at the time when this conversation is alleged to have taken place the House reciprocity provisions of the act of 1897 had already been agreed upon. They were agreed upon at least three weeks before any such conversation could have taken place. They were in print; I have a copy of the printed bill before me, and they had the approval of the majority members of the committee. The terms were known to the Senator from Iowa and every Republican member of the committee. They contain provisions for certain specified reductions in duty under certain conditions. They did not touch a single protective duty in the act of 1897, unless sugar duties are considered protective; and every member of the committee knew it.

Mr. DOLLIVER. Will the Senator from Rhode Island permit me?

Mr. ALDRICH. Yes.

Mr. DOLLIVER. Does he regard the duties on sugar as nonprotective?

Mr. ALDRICH. I said in my remarks made yesterday that there was a difference of opinion upon this floor as to whether the duties upon sugar were protective or nonprotective—whether they were protective or revenue duties. The Senators upon the other side of the Chamber from Louisiana and other States producing sugar have always defended them upon the ground that they were revenue duties. Certainly up to a very recent period, when the production of sugar in the United States reached a point where they might be protective, the sugar duties were revenue duties. The Senator from Iowa knows as well as I do that with that single exception every duty proposed to be changed was a revenue duty, pure and simple.

Mr. DOLLIVER. Now, will the Senator, having alluded to me, explain the schedule in section 4 as finally passed?

Mr. ALDRICH. We are now discussing, and I hope the Senator from Iowa can understand that, what Mr. Dingley said in reference to this bill or what he is purported to have said in March, 1897, before the fourth section was in existence even in the mind or imagination of any man anywhere. The House of Representatives, the Committee of Ways and Means, of which the Senator was on honored member, had, I repeat, their scheme of reciprocity which they had put into the bill in terms. It referred, as I have said, only to certain articles. It did not touch any one of the protective duties of that act—not one. It is morally and physically impossible that Mr. Dingley could have then said, with that bill before him, that he had deliberately put the protective duties of that measure too high for the purpose of reducing them thereafter by reciprocity treaties.

It is impossible, I say. It is not true, I say to the Senator from Iowa, that either the Committee on Ways and Means, or the House of Representatives, or the Committee on Finance, or the Senate adopted protective duties that were too high for the purpose of having them reduced by reciprocity provisions or otherwise. I deny for myself and for my associates, as well as for Mr. Dingley and his associates, that any such thing was——

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Iowa?

Mr. ALDRICH. I do.

Mr. DOLLIVER. That would make it very interesting to me to know what was in the mind of the honorable Senator from Rhode Island and of Congress in inserting the provision known as section 4 of the act as finally passed.

Mr. ALDRICH. When I get to it I will be very glad to explain it and to give the historical facts in relation to its insertion in the bill. I am now discussing whether Governor Dingley, in March, 1897, stated that he had in that bill at that time put the protective duties too high for the purpose of having them reduced by reciprocity treaties. That is the only controversy here in which Governor Dingley's name is involved. I have alluded to this allegation because I know that the high commissioner who negotiated the reciprocity treaties to which the Senator from Iowa has alluded did make a similar statement to that made upon this floor by the Senator from Missouri and the Senator from Tennessee, and my remarks are not therefore solely directed to those Senators.

Mr. DOLLIVER. Will the Senator permit me to say that when that was done before the Committee on Foreign Affairs it was not disputed at all by anybody?

Mr. ALDRICH. I suppose there was nobody there who knew the facts.

Mr. DOLLIVER. The honored President of the Senate asked the question.

Mr. ALDRICH. I presume that the honorable President of the Senate did not know the facts. I assume that he did not. If he had known them he certainly would have denied the statement.

I say the whole question before the Senate is whether Governor Dingley made any such statement in the first instance, and in the next instance whether it is true; and I enter my denial here as well for myself as for Governor Dingley that it is true.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. ALDRICH. I do.

Mr. CARMACK. It is for a suggestion. The question whether Governor Dingley said so and so is not the whole question.

Mr. ALDRICH. The question whether it is true is the whole question.

Mr. CARMACK. No, sir; it is not the whole question, with all due respect to the Senator from Rhode Island.

Mr. ALDRICH. What is it, then?

Mr. CARMACK. The question is whether or not it is a fact that the duties in the Dingley Act were made higher than was necessary for just purposes of protection; whether when the law was enacted it was considered by the men who voted for that bill and passed it that the duties were high enough to stand subsequent reduction by reciprocal trade relations with other countries.

Mr. ALDRICH. I imagine that the Senator from Tennessee and myself would never agree as to whether the protective duties in any bill were placed too high. I assume that the Senator from Tennessee would believe that any protective tariff fixed duties too high. If the Senator means whether, in the view of the men who prepared the measure and reported it, they were placed too high, I say to him directly and emphatically, no.

Mr. CARMACK. Whether they were put high enough to stand subsequent reduction by reciprocity arrangements?

Mr. ALDRICH. They were not; and I hope the Senator is satisfied with the directness and positiveness of the reply.

Mr. CARMACK. I understand the Senator from Rhode Island, but I do not understand section 4 of the bill, in view of his remarks.

Mr. ALDRICH. I will take that up later on, if the Senator will allow me.

I repeat, that the sole question here, which I am discussing at this moment, is whether Governor Dingley made any such statement, and I say that the aspersions upon his character (because I do consider it an aspersion upon his character to say that he was deliberately deceiving Congress and the American people by making the duties too high in order to be prepared for their subsequent reduction or removal) are without one scintilla of evidence to support them. The Senator from Iowa does not presume here, as an associate of his, to repeat the charge. I know and that Senator knows, from his frequent conferences with him, that Governor Dingley did not assent with zeal to the reciprocity provisions. I know what the Senator perhaps does not know, that he consented very reluctantly to enlarge the reciprocity provisions of the House bill, and not until after a long discussion in the committee of conference upon the disagreeing votes of the two Houses.

The House passed the bill containing the provisions I have described on the 31st of March, if I am not mistaken. The bill came here, and was referred to the Committee on Finance, who considered it for several weeks.

It was reported back to the Senate by me May 4, and in making the report I made the statement that the committee recommended striking out the reciprocity provisions of the House of Representatives, and that they would at some subsequent period prepare and present to the Senate an amendment which more nearly represented their views as to the proper provisions to be entered upon with reference to reciprocity.

On the 30th day of June, more than three months after the time of the alleged confidential conversation, the Senator from Iowa [Mr. ALLISON], I then being absent on account of illness, reported the reciprocity provisions, which became a part of the law as the fourth section. What does this section mean? Does it mean that we are to deliberately destroy, under its provisions, American industries? Did it mean that, as interpreted by the late President of the United States? No; it did not. It meant, in the minds of those who had it in charge and who had originated it, that we might perhaps make reciprocity treaties with other countries with respect to noncompetitive products, as we had done under the act of 1890. Did it mean that we were going to surrender all the industries of the United States to the selfish interests, if you please, of the agricultural-implement manufacturers? I think not. Certainly the gentlemen who had the most to do with the framing of that section as it was adopted by the Senate did not so think.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Certainly.

Mr. TILLMAN. I suggest to the Senator from Rhode Island while this is something of a family quarrel the rest of us are interested, and when he turns around and speaks sotto voce to the Senator from Iowa, the rest of us are not affected by the eloquence and cogency of his argument. I ask the Senator to address the Chair or to speak a little louder.

Mr. ALDRICH. I was not aware that I was speaking too low to be heard.

Mr. TILLMAN. I could not hear a word, but I could see the Senator gesticulating.

Mr. ALDRICH. I should be sorry, I am sure, if anything I say should miss the attention of the Senator from South Carolina.

The fourth section of the act of 1897 provided that the President might for a period of two years enter into negotiations for reciprocity treaties with foreign nations, and that in and through those treaties he might provide for certain reductions upon the duties upon agricultural and other products of such countries when imported into the United States, not to exceed 20 per cent.

It was never for one moment supposed by any Republican upon the Committee on Finance, and I can make the assertion without fear of contradiction that it was never for one moment supposed by Mr. Dingley or his Republican associates upon the conference committee representing the House of Representatives, that there was to be any surrender through this method of the principle of protection. It was never believed for one moment that a Republican administration through any agency would give up the vital principle which ever lies at the foundation of Republican policy. There was no such purpose and no such idea.

I did believe it was possible, and I now believe it is possible to make reciprocity treaties, going back to Mr. Blaine's idea, with our neighbors in the seas, upon the islands, in Central America, in Mexico, and South America, and in the countries of the Orient, by which, through the exchange of noncompetitive or other products, we shall secure mutual advantages.

Does the Senator from Iowa suppose for an instant that any man on that committee contemplated the negotiation of a treaty with the Argentine Republic that should reduce the duty upon wool 20 per cent? And yet his language would imply exactly that. Do you suppose that we thought for one instant that the interests of the United States were to be sacrificed through reciprocity treaties?

I am earnestly for reciprocity, real, genuine reciprocity, by which the United States shall secure reciprocal advantages in the trade of the world, and not a reciprocity dictated by the selfish motives of a few interests in this country as against all the others.

I resent the imputation that because I oppose certain treaties that I am opposed to the reciprocity theory. The Senator from Iowa has alluded in glowing terms to the reciprocity provisions in the act of 1890. I wrote every word of those provisions. They were inserted in the Senate at my suggestion. They were adopted very reluctantly by the House of Representatives. Does the Senator think that I am any the less in favor of real reciprocity than he is because a citizen of his State has negotiated reciprocity treaties which have not been acted upon by the Senate? It will redound to the credit of the gentleman who negotiated those treaties if they are passed over in silence and if the Senate should never act upon them.

The Senator from Iowa is very much mistaken if he supposes for one instant that we are not ready to discuss those treaties or the questions they involve with him here or anywhere, or that he

can make it appear that on account of our opposition we are not as good friends of reciprocity as he is. Whether a reciprocity treaty is wise or unwise is a practical question. In regard to the treaties which are now here, and as to which, perhaps, I transgress the rules if I allude to them, if he can show that any of them are proper and will result in furthering the interests of the people of the United States he can be sure of their ratification. I have been led to discuss the treaties somewhat from the remarks of the Senator from Iowa, and partly because some of the friends of the treaties have openly discussed them through the press.

Mr. DOLLIVER. The injunction of secrecy has been removed.

Mr. ALDRICH. It has been removed from some of the treaties, I agree. Such secrecy as has been secured has been entirely one-sided. There have been widely distributed through official channels specious arguments and misstatements in regard to the nature and effect of these treaties, and perhaps I shall be forgiven for making this protest in a public manner.

I did not intend, Mr. President, to be led into this diversion, but I could not allow the statements of the Senator from Iowa to go unchallenged. I knew the men who would line up behind the statement of the Senator from Missouri in regard to Governor Dingley and in regard to the character of the legislation of 1897. I am quite willing to meet any arguments or statements these gentlemen may see fit to make in criticism of the measure or the motives of those who supported it.

Mr. TILLMAN obtained the floor.

Mr. CULBERSON. Will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. I have only seven minutes before the expiration of the morning hour, but I yield gladly to the Senator from Texas.

Mr. CULBERSON. I simply rose for the purpose of suggesting that if the resolution is not disposed of before 2 o'clock, I understand it will go to the Calendar.

Mr. TILLMAN. No, sir; we got unanimous consent that it shall go over, retaining its privileged position.

Mr. CULBERSON. That I did not understand.

The PRESIDING OFFICER. It goes over until to-morrow, retaining its present place before the Senate.

Mr. TILLMAN. Mr. President, this is a very pretty quarrel, as it stands.

Mr. ALDRICH. It is no quarrel.

Mr. TILLMAN. Oh, well, it is an animated discussion, a feeling discussion on the part of the Senator from Rhode Island, and apparently a very feeling one on the part of the Senator from Iowa.

I came here yesterday expecting to get an opportunity to make a few remarks on the subject of the coal famine in general, not on the particular question under debate, the reduction of the tariff or the taking of it off. It was by my solicitation that this resolution went over, retaining its privileged position. I got the Senator from Rhode Island to secure that agreement.

It is not to be expected, I hope, that I could even lay down anything more than—well, you might say the headlines of a speech, in the brief time remaining before the regular order will come up.

Therefore, I shall have to very reluctantly forego the pleasure of discussing this question to-day, merely remarking that I do not intend to talk on the tariff at all, except possibly by way of illustration, as a side light, and as there seem to be live wires running around this Chamber I have one that I want to string out, which may or may not burn. If it does not burn, it will not be my fault. I intend to lay the blame for the existing pitiable, miserable, horrible condition at the door where it properly belongs—the President of the United States and his Attorney-General.

With that notice, and promising to be as liberal and as just as possible and to depend on facts and to deal in a calm, logical presentation of those facts and to restrain myself if possible in the use of the plainest words, without bitterness, I yield to the regular order, the Senator from Minnesota, whose great speech on the statehood bill has been thrilling this body for several days, and the people of the country are on tiptoe to hear the completion of it, so that they can read it. I will take the floor to-morrow as soon as this resolution comes up.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. In the latter part of my remarks yesterday, Mr. President, I took pains to call attention in detail to the character of the various treaties that had been made with the five nations of Indians in the Indian Territory, leading to their removal from their eastern lands to their lands in the Indian Territory. I called attention to those matters for the purpose of showing the Senate, how, in many instances, Congress has repeatedly disregarded those treaties in one form or another—entirely abrogated them.

One of the leading features in nearly all those treaties is the provision that none of their country, which originally included all of Oklahoma and Indian Territory, was to be included in any Territory or organized State of the United States. Another paragraph of those treaties allowed them to institute and maintain separate tribal governments and tribal courts. In fact, it gave them all the powers of self-government.

I afterwards called attention to the legislation which took place when Oklahoma Territory was established and the subsequent legislation for the purpose of showing how by that legislation we had again abrogated and changed the treaties with these Indians.

In connection with what I called attention to yesterday I beg briefly to refer to two other acts, the act of 1895 and the act of 1897, which gave more complete and enlarged jurisdiction to the Federal courts and deprived the local Indian courts of their old-time jurisdiction. Those courts had original jurisdiction in all controversies, not only between Indians inter se, but also in all controversy in which Indians were a party. By these acts we deprived them utterly of all their jurisdiction in these matters and left practically all controversies to the United States court in that Territory.

But in spite of our legislation with reference to that Territory matters grew worse and worse. The tension between the Indians and the white settlers grew more severe, and the situation became such that finally, in 1894, this body directed its committee on the Five Civilized Tribes to investigate the conditions in the Indian Territory. That committee, of which Senator TELLER was chairman, after a thorough investigation of the situation, made a most valuable report, and inasmuch as it has a bearing and is germane to the question in hand, I beg leave to quote some of the material portions of that report. This is what Senator TELLER said:

> As we have said, the title to these lands is held by the tribe in trust for the people. We have shown that this trust is not being properly executed, nor will it be if left to the Indians, and the question arises, what is the duty of the Government of the United States with reference to this trust? While we have recognized these tribes as dependent nations, the Government has likewise recognized its guardianship over the Indians and its obligations to protect them in their property and personal rights.
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> In the treaty with the Cherokees, made in 1846, we stipulated that they should pass laws for equal protection, and for the security of life, liberty, and property. If the tribe fails to administer its trust properly by securing to all the people of the tribe equitable participation in the common property of the tribe, there appears to be no redress for the Indian so deprived of his rights, unless the Government does interfere to administer such trust.
>
> Is it possible because the Government has lodged the title in the tribe in trust that it is without power to compel the execution of the trust in accordance with the plain provisions of the treaty concerning such trust? Whatever power Congress possessed over the Indians as semidependent nations, or as persons within its jurisdiction, it still possesses, notwithstanding the several treaties may have stipulated that the Government would not exercise such power, and therefore Congress may deal with this question as if there had been no legislation save that which provided for the execution of the patent to the tribes.
>
> If the determination of the question whether the trust is or is not being properly executed is one for the courts and not for the legislative department of the Government then Congress can provide by law how such question shall be determined and how such trust shall be administered, if it is determined that it is not now being properly administered.

And here comes the material part:

> It is apparent to all—

The Senator says—

> It is apparent to all who are conversant with the present condition in the Indian Territory that their system of government can not continue. It is not only non-American, but it is radically wrong, and a change is imperatively demanded in the interest of the Indian and whites alike, and such change can not be much longer delayed. The situation grows worse and will continue to grow worse. There can be no modification of the system. It can not be reformed. It must be abandoned and a better one substituted. That it will be difficult to do your committee freely admit, but because it is a difficult task is no reason why Congress should not at the earliest possible moment address itself to this question.
>
> We do not care to at this time suggest what, in our judgment, will be the proper step for Congress to take on this matter, for the commission created by an act of Congress, and commonly known as the Dawes Commission, is now in the Indian Territory with the purpose of submitting to the several tribes of that Territory some proposition for the change in the present very unsatisfactory condition of that country. We prefer to wait and see whether this difficult and delicate subject may not be disposed of by an agreement with the several tribes of that Territory. But if the Indians decline to treat with that Commission and decline to consider any change in the present condition of their titles and government, the United States must, without their aid and without waiting for their approval, settle this question of the character and condition of their land tenures and establish a government over whites and Indians of that Territory in accordance with the principles of our Constitution and laws.

"And establish," he says, "a government over whites and Indians of that Territory in accordance with the principles of our Constitution and laws." Evidently Senator TELLER had no doubts as to the power of Congress in the premises.

The question as to the power of Congress to abrogate or modify these Indian treaties has been before the Supreme Court of the United States in several instances. There are four leading cases bearing on this question. The earliest was in the Supreme Court in 1870, the Cherokee Tobacco Case. The question presented by the record in that case grew out of a conflict between the Federal internal-revenue law and a provision in the Cherokee treaty. The case is found in 11 Wallace, on page 616. The Government attempted to levy and collect internal-revenue taxes on certain tobacco in the Cherokee Nation. The owners of the tobacco refused to pay the tax and the Government seized the tobacco and attempted to confiscate it. A suit was brought to test that question. The Supreme Court, in passing upon the question, states that—

> The only question argued in this court, and upon which our decision must depend, is the effect to be given respectively to the one hundred and seventh section of the act of 1866—

That is, the internal-revenue law—

> and the tenth article of the treaty of 1866 between the United States and the Cherokee Nation of Indians.
>
> They are as follows.

This is the section of the law:

> SEC. 107. That the internal-revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars shall be construed to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same shall be within a collection district or not.

This is the provision of the treaty in conflict with that statute so far as this particular controversy was concerned, for it related to tobacco in the Cherokee Nation:

> ART. 10. Every Cherokee Indian and freed person residing in the Cherokee Nation shall have the right to sell any products of his farm, including his or her live stock, or any merchandise or manufactured products, and to ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian Territory.

Two points were made in the case. The first point was that the provision of the internal-revenue law did not include the Indian Territory, that that Territory was excepted, and that the law imposing internal-revenue taxes did not apply to that country. The other point was, if it did apply it was in violation of the Cherokee treaty I have quoted from, and hence null and void. The court first decided that the law was general, that it included the Indian Territory, the Cherokee country, as well as all other portions of the United States, and then the court proceeded to say as to the other point:

> But conceding these views to be correct, it is insisted that the section can not apply to the Cherokee Nation because it is in conflict with the treaty. Undoubtedly one or the other must yield. The repugnancy is clear and they can not stand together.
>
> The second section of the fourth article of the Constitution of the United States declares that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties which shall be made under the authority of the United States, shall be the supreme law of the land."
>
> It need hardly be said—

The court remarks—

> that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty.

And cases are cited in the margin.

> In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, can not be more obligatory. They have no higher sanctity, and no greater inviolability or immunity from legislative invasion can be claimed for them. The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance. In the case under consideration the act of Congress must prevail as if the treaty were not an element to be considered. If a wrong has been done, the power of redress is with Congress, not with the judiciary, and that body, upon being applied to, it is to be presumed, will promptly give the proper relief.

The next case bearing upon this question, Mr. President, arose under the act establishing Oklahoma Territory. When Oklahoma Territory was established it included a large part—I am not prepared at this moment to say just how much—of the land that was originally a part of the lands of the Cherokee Nation and on which friendly Indians had been settled and colonized. As soon as Oklahoma Territory was established the Territory proceeded to organize this country occupied exclusively by Indians and originally a part of the Indian reservation. It proceeded to include it in an organized county, and then it proceeded to tax the cattle of cattlemen grazing in that country. It seems the cattlemen had got authority through the Interior Department to graze their cattle there, and the Territory of Oklahoma undertook to tax those cattle, and the question was raised as to the right of the Territory to tax those cattle.

Upon this question I will quote the language of the court. Many technical questions, I might say, were raised in that case, but one of the leading questions was whether this particular territory, where these cattle were grazing, which had been organized into a county in Oklahoma Territory, and where they had attempted to tax the cattle of the cattlemen was amenable to the laws of Oklahoma Territory, and whether this proceeding, including the act establishing the Territory and all the subsequent acts with reference to such taxation, were not a violation of the treaty with the Cherokees. The court says in this connection:

> It is, indeed, true that the lands in question, constituting the reservations of the Osage Kansas Indians, are portions of lands previously granted by patent of the United States, in pursuance of the treaty of May 6, 1828 (7 Stat., 311), and of the treaty of December 29, 1835 (7 Stat., 478), to the Cherokee Nation of Indians, and that it was provided in those treaties that the lands so granted should not, without the consent of the Indians, at any future time be "included within the territorial limits or jurisdiction of any State or Territory."

And then, coming to this precise question—many other questions are discussed in the opinion—the court proceeds to say:

> It is alleged that by no subsequent treaty have either the Cherokee or the Osage or Kansas Indians consented that the lands here in question should be included within the limits or jurisdiction of the Territory of Oklahoma; and it is accordingly now contended that under the provision contained in the Cherokee treaties the lands therein designated should never be embraced within the limits of a Territory or State without the consent of said Indians. The exemption or right thereby created runs with the land, subject to which said lands, or any part thereof, could be conveyed to other Indians, and is not a right belonging solely to the Cherokees, which ceased to exist when the ownership of the Cherokees therein terminated.

Then the court proceeds:

> Whether, without express stipulation to that effect, the right granted by treaty to the Cherokee Nation to be exempt as to their lands from inclusion within the limits of any Territory or State passed with the grant of a portion of such lands to the Osage and Kansas Indians we need not consider, because if such were the law it is conceded that the United States have, by the act of May 2, 1890 (26 Stat., 81), creating the Territory of Oklahoma, included these Osage and Kansas Indian lands within the geographical limits of said Territory.
>
> It is well settled that an act of Congress may supersede a prior treaty, and that any questions that may arise are beyond the sphere of judicial cognizance and must be met by the political department of the Government.
>
> It need hardly be said that a treaty can not change the Constitution, or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. (Foster *v.* Neilson, 2 Pet. 253, 314; Taylor *v.* Morton, 2 Curtis, 454.)
>
> In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, can not be obligatory. * * * In the case under consideration the act of Congress must prevail, as if the treaty were not an element to be considered.

The first case I cited arose out of a conflict between the internal-revenue laws and the Cherokee treaty. The next case, the case I have just read, is the case of Thomas *v.* Gay (169 U. S. Reports, p. 264). That case arose out of the conflict between the act creating and establishing Oklahoma Territory and the old treaty with the Cherokee Indians.

We have another case, and a very recent one, growing out of the so-called Curtis Act, passed in 1898. That act involved material changes and abrogation of older treaties. Among other things under the Curtis Act, the Secretary of the Interior was authorized to lease the lands of the Indians, and he proceeded to lease certain lands. The Indians of the Cherokee Nation raised the question and brought a suit before the Supreme Court as to whether his attempt under the Curtis Act to lease any of those Indian lands was not in violation of former treaties. This case was decided December 1, 1902. I read from the record:

> This cause was begun on the equity side of the supreme court of the District of Columbia. The complainants named in the bill were the Cherokee Nation and its principal chief and treasurer and sundry other citizens of the nation, suing on behalf of themselves and of citizens of the nation residing in the Indian Territory. Ethan A. Hitchcock, as Secretary of the Interior, was made sole defendant. It was claimed in the bill that, by virtue of certain treaties and a patent based thereon, the Cherokee Nation was vested with a fee-simple title to its tribal lands in the Indian Territory, and it was also averred that, by a treaty executed in 1835, there was secured to the nation the right, by its national council, to make and carry into effect all such laws as the Cherokees might deem necessary for the government and protection of the persons and property within their own country belonging to their people, or such persons as had connected themselves with them. A synopsis of the pertinent portions of the treaties above referred to is set out in the margin.

Among which are the treaties to which I referred in my statement yesterday.

> The patent referred to in the bill was executed on December 31, 1838. It conveyed to the Cherokee Nation the lands secured and guaranteed by the treaties of 1828, 1833, and 1835. In the patent the 7,000,000-acre tract, together with the perpetual outlet, was described as one tract, aggregating 13,574,135.14 acres. In addition the patent specified the boundaries of a tract of 800,000 acres ceded by the treaty of 1835.

Then the bill of complaint, after quoting from those agreements, went on:

> Averring that the Cherokee Nation and its citizens possessed the exclusive right to the use, control, and occupancy of its tribal lands, it was alleged that the Secretary of the Interior, without having lawful authority so to do, was assuming the power to and was about to pass favorably upon applications for leases, and was about to grant leases of lands belonging to said nation for the purpose of mining for oil, gas, coal, and other minerals, one such successful applicant being stated to be The Cherokee Oil and Gas Company, an Arkansas corporation. Based upon general allegations of the absence of an adequate remedy at law, the necessity of relief to avoid a multiplicity of suits

and to prevent the casting of a cloud upon the title of the nation to its said lands, and the claim that irreparable injury would be caused and wrong and oppression result, and that there would be a deprivation of property rights of the complainants and of other citizens of the Cherokee Nation, an injunction was prayed against further action by the Secretary of the Interior in the premises.

The opinion was delivered by Mr. Justice White. Upon this question the court proceeded, as follows:

As the acts done and contemplated to be done by the appellee and assailed by the bill of complaint, are presumably not the subject of criticism, in the event that the act of June 28, 1898—

That is the Curtis Act—

was a constitutional and valid exercise of power by Congress, we will now address ourselves to a consideration of that statute.

Prior to the act of March 3, 1871 (16 Stat., 544, 566, now section 2079 of the Revised Statutes), which statute, in effect, voiced the intention of Congress thereafter to make the Indian tribes amenable directly to the power and authority of the laws of the United States by the immediate exercise of its legislative power over them, the customary mode of dealing with the Indian tribes was by treaty. As, however, held in Cherokee Nation *v.* Southern Kansas Railway Co. (135 U. S., 641, 653, reaffirmed in Stephens *v.* Cherokee Nation, 174 U. S., 445, 484), while the Cherokee Nation and other Indian tribes domiciled within the United States had been recognized by the United States as separate communities, and engagements entered into with them by means of formal treaties, they were yet regarded as in a condition of pupilage or dependency, and subject to the paramount authority of the United States.

Reviewing decisions of this court rendered prior to the act of 1871, and par ticularly considering the status of the very tribe of Indians affected by the present litigation, the court commented upon a declaration made in a previous decision that this Government had "admitted, by the most solemn sanction, the existence of the Indians as a separate and distinct people, and as being invested with rights which constitute them a State, or separate community." It was observed of this declaration that it fell "far short of saying that they are a sovereign State, with no superior within the limits of its territory." Considering the treaty of 1835 with the Cherokee Nation, under which it is now claimed, on behalf of the appellants, that the Cherokees became vested with the sole control over the lands ceded to them, the court observed (p. 485):

"By the treaty of New Echota, 1835, the United States covenanted and agreed that the lands ceded to the Cherokee Nation should at no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory, and that the Government would secure to that nation 'the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government of the persons and property within their own country, belonging to their people or such persons as have connected themselves with them;' and, by the treaties, of Washington, 1846 and 1866, the United States guaranteed to the Cherokees the title and possession of their lands, and jurisdiction over their country. (Revision of Indian Treaties, pp. 65, 79, 85). But neither these nor any previous treaties evinced any intention, upon the part of the Government, to discharge them from their condition of pupilage or dependency, and constitute them a separate, independent, sovereign people, with no superior within its limits."

It results then from the doctrine of the decisions of this court that the demurrer was properly sustained, because of the fact that the matters named in the bill were matters of administration, to which the act of June 28 was applicable, and they were solely cognizable by the executive department of the Government. The decision in Stephens *v.* Cherokee Nation (174 U. S., 445) is particularly in point, as that case involved the validity of the very act under consideration, and the precedent correlative legislation, wherein the United States practically assumed the full control over the Cherokees, as well as the other nations constituting the Five Civilized Tribes, and took upon itself the determination of membership in the tribes for the purpose of adjusting their rights in the tribal property. The plenary power of control by Congress over the Indian tribes and its undoubted power to legislate, as it had done through the act of 1898, directly for the protection of the tribal property, was in that case reaffirmed.

Then the court quotes from the opinion and continues:

The holding that Congress had power to provide a method for determining membership in the Five Civilized Tribes and for ascertaining the citizenship thereof preliminary to a division of the property of the tribe among its members necessarily involved the further holding that Congress was vested with authority to adopt measures to make the tribal property productive and secure therefrom an income for the benefit of the tribe.

Whatever title the Indians have is in the tribe, and not in the individuals, although held by the tribe for the common use and equal benefit of all the members. (The Cherokee Trust Funds, 117 U. S., 288, 308.) The manner in which this land is held is described in Cherokee Nation *v.* Journeycake (155 U. S., 196, 207), where this court, referring to the treaties and the patent mentioned in the bill of complaint herein, said: "Under these treaties, and in December, 1838, a patent was issued to the Cherokees for these lands. By that patent whatever of title was conveyed was conveyed to the Cherokees as a nation, and no title was vested in severalty in the Cherokees or any of them.

* * * * * * * *

"We are not concerned in this case with the question whether the act of June 28, 1898, and the proposed action thereunder, which is complained of, is or is not wise and calculated to operate beneficially to the interests of the Cherokees. The power existing in Congress to administer upon and guard the tribal property, and the power being political and administrative in its nature, the manner of its exercise is a question within the province of the legislative branch to determine, and is not one for the courts."

This decision was under the Curtis Act. There is a recent case relating to these same lands, although not involving directly the validity of those ancient treaties, but involving the same questions as to the power of Congress to abrogate Indian treaties. It is a case decided last week, January 5, 1903—the case of Lone Wolf, Principal Chief of the Kiowas et al., appellants, *v.* Ethan A. Hitchcock, Secretary of the Interior et al. I quote from the record:

In 1867 a treaty was concluded with the Kiowa and Comanche tribes of Indians, and such other friendly tribes as might be united with them, setting apart a reservation for the use of such Indians. By a separate treaty the Apache tribe of Indians was incorporated with the two former named and became entitled to share in the benefits of the reservation. (15 Stat., 581, 589.)

I will not take up time to read all the details of the case, but I will come at once to the gist of the matter. I read from the opinion of Mr. Justice White:

By the sixth article of the first of the two treaties referred to in the preceding statement, proclaimed on August 25, 1868 (15 Stat., 581), it was provided that heads of families of the tribes affected by the treaty might select, within the reservation, a tract of land of not exceeding 320 acres in extent, which should thereafter cease to be held in common and should be for the exclusive possession of the Indian making the selection, so long as he or his family might continue to cultivate the land. The twelfth article reads as follows:

"ART. 12. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article III (VI) of this treaty."

The appellants base their right to relief on the proposition that by the effect of the article just quoted the confederated tribes of Kiowas, Comanches, and Apaches were vested with an interest in the lands held in common within the reservation, which interest could not be divested by Congress in any other mode than that specified in the said twelfth article, and that as a result of the said stipulation the interest of the Indians in the common lands fell within the protection of the fifth amendment to the Constitution of the United States, and such interest, indirectly, at least, came under the control of the judicial branch of the Government. We are unable—

The court say—

to yield our assent to this view.

The contention in effect ignores the status of the contracting Indians and the relation of dependency they bore and continue to bear toward the Government of the United States. To uphold the claim would be to adjudge that the indirect operation of the treaty was to materially limit and qualify the controlling authority of Congress in respect to the care and protection of the Indians, and to deprive Congress, in a possible emergency when the necessity might be urgent for a partition and disposal of the tribal lands, of all power to act if the assent of the Indians could not be obtained.

Now, it is true that in decisions of this court, the Indian right of occupancy of tribal lands, whether declared in a treaty or otherwise created, has been stated to be sacred, or, as sometimes expressed, as sacred as the fee of the United States in the same lands. (Johnson *v.* McIntosh (1823), 8 Wheat., 543, 574; Cherokee Nation *v.* Georgia (1831), 5 Pet., 1, 48; Worcester *v.* Georgia (1832), 6 Pet., 515, 581; United States *v.* Cook (1873), 19 Wall., 591, 592; Leavenworth, etc., R. R. Co. *v.* United States (1875), 92 U. S., 733, 755; Beecher *v.* Wetherby (1877), 95 U. S., 525.) But in none of these cases was there involved a controversy between Indians and the Government respecting the power of Congress to administer the property of the Indians.

The questions considered in the cases referred to, which either directly or indirectly had relation to the nature of the property rights of the Indians, concerned the character and extent of such rights as respected States or individuals. In one of the cited cases it was clearly pointed out that Congress possessed a paramount power over the property of the Indians, by reason of its exercise of guardianship over their interest, and that such authority might be implied, even though opposed to the strict letter of a treaty with the Indians. Thus, in Beecher *v.* Wetherby (95 U. S., 525) discussing the claim that there had been a prior reservation of land by treaty to the use of a certain tribe of Indians, the court said (p. 525):

"But the right which the Indians held was only that of occupancy. The fee was in the United States, subject to that right, and could be transferred by them whenever they chose. The grantee, it is true, would take only the naked fee, and could not disturb the occupancy of the Indians; that occupancy could only be interfered with or determined by the United States. It is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race. Be that as it may, the propriety or justice of their action towards the Indians with respect to their lands is a question of governmental policy, and is not a matter open to discussion in a controversy between third parties, neither of whom derives title from the Indians."

Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government.

I have already referred to the Curtis Act passed in 1898, subsequent to the establishment of Oklahoma Territory, and the acts of 1895 and 1897. The Curtis Act was the most important piece of legislation in reference to the Indian Territory and the solution and final settlement of the Indian problems in that Territory. I have just called the attention of the Senate to how a question arose under that act, in a case which came to the Supreme Court, where it was alleged that there was a conflict between the Curtis Act and the old treaties with those Indians, wherein the court said that the subsequent act, the Curtis Act, was paramount; that whatever conflict there was between that act and the treaty, the rteaty must yield.

In this connection I desire to quote in a brief manner some of the leading provisions of the Curtis Act in order that the Senate may have full information in the premises; but before I proceed to do so I will briefly call attention to the so-called Dawes Commission, which was created by section 16 of the act of March 3, 1893. The section in regard to the appointment of that Commission provided that the Commission were to be empowered—

To enter into negotiations with the Five Civilized Tribes for the purpose of extinguishing the national or tribal title to lands either by cession or allotment or by such other method as might be agreed upon. The Commission was to endeavor to secure provision for the suitable allotment of lands in severalty to the different Indians and to procure the cession of the lands not requisite for allotments, etc.

I will now call attention to the act of June 23, 1898, the Curtis Act. Some of the provisions of that act bearing on the case under consideration are as follows:

In criminal prosecutions against officials for embezzlement, bribery, etc., the word "officer" shall include officers of the various tribes or nations,

This was an abrogation of the old treaties. The officers of the different Indian nations were wholly amenable for negligence or maladministration to their own tribal governments. This made them liable under the criminal laws of the United States. It said the word "officer" shall include the officers of the various tribes or nations.

When the property of any tribe is affected by the issue of any suit, the tribe is to be made a party.

That is new.

Jurisdiction is given to the United States courts in the Territory to pass upon the claims of citizenship or membership in the respective tribes and claims to property as such in the tribes.

That is an innovation of their old tribal rights.

By section 11, when the roll of citizenship of any one of said nations is completed and the survey of the land finished, the Dawes Commission shall proceed to make allotments, etc.

Provision is made for the leasing of oil, coal, asphalt, and other mineral lands in the Territory.

Provision is also made for the incorporation of towns and cities and the election of officers thereof, and the establishment of schools, and for these purposes the laws of the State of Arkansas are applied and extended.

Provision is made for surveying and laying out town sites and for the disposal of the lots.

Provision is also made for making up the rolls of citizenship, including that of freedmen, and rules are laid down for the establishment of such citizenship.

Leasing of agricultural or grazing lands after the 1st of January, 1898, by the tribes or any member thereof is absolutely prohibited and declared null and void, and all such leases, made prior to that time, shall terminate on the 1st of April, 1899.

Section 26 provides that after the passage of the act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in Indian Territory.

That was a radical change and innovation—an abrogation of the old treaties.

Section 28 provides:

That on the 1st day of July, 1898, all tribal courts in Indian Territory shall be abolished, and no officers of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes or nations until the 1st day of October 1898

Now, up to this time, Mr. President, they had had in each of these nations the tribal courts—courts which adjudicated and passed upon all controversies between the different nations, and controversies between the citizens or members of one nation and of another nation, and controversies between the several members of a nation among themselves. This provision entirely abrogated and wiped out these tribal courts and transferred all suits into the United States courts—a clear abrogation of former treaties.

Section 29 of this act contains a ratification of an agreement between the Dawes Commission and the Choctaw and Chickasaw tribes providing for allotments of land, etc., giving various details; also provides for the right of way of railroads. Provision is also made for the laying out of town sites and for the operation of coal, asphalt, and other mines.

Provision is also made for the jurisdiction of United States courts in certain cases.

Provision is made for the continuance of the tribal governments for eight years from the 4th of March, 1898.

Section 30 provides for the ratification of an agreement with the Creek Indians. This agreement contains provisions for the allotment of land for town sites. Also for the jurisdiction of courts.

By the act of February 18, 1901 (31 Stat., p. 794), certain provisions of the laws of Arkansas, in relation to corporations, etc., are extended to and put in force in the Indian Territory.

By the act of March 3, 1901 (chapter 868, 31 Stat., p. 1447), every Indian in the Indian Territory is made a citizen of the United States.

I desire to call the attention of the Senate to one fact. While it is the general rule in relation to the Indians of this country that the Indians do not become citizens until the allotments of lands have been made to them in severalty, in the matter of the Indian Territory the act of 1901, which I have quoted, makes every Indian in that Territory, regardless of whether he has had an allotment made to him or not, a full citizen of the United States.

I have thus cited and referred to these several provisions for the purpose of calling attention to how repeatedly and how frequently, by legislation and otherwise, the Government has abrogated, modified, or changed these old treaties and arrangements with the Indians against their consent, and how in every instance where these changes, or abrogations, or violations of old treaties have been brought to the attention of the Supreme Court of the United States that tribunal has upheld the power of Congress in the premises.

I have called attention to the decision of the court growing out of the conflict between the internal-revenue laws of 1866 and the Cherokee treaty, the first case of the kind which brought up the question directly before the Supreme Court, wherein the court upheld the power of Congress. The next case grew up under the act establishing Oklahoma Territory, where there was a clear invasion and violation of former treaties; and in that case the courts sustained the power of Congress. In the subsequent case growing out of an attempt on the part of the Secretary of the Interior to lease lands under the so-called Curtis Act of 1898, again the Supreme Court sustained the power of Congress. In the recent case which was decided last week, the Kiowa and Comanche case, the Supreme Court again sustained the power of Congress; and so, Mr. President, it is no longer an open or unsettled question as to our plenary power in the premises.

Mr. SPOONER. Will the Senator from Minnesota yield to me for a moment?

Mr. NELSON. Certainly.

Mr. SPOONER. The object of my interruption is only to elicit information from the Senator from Minnesota, who is delivering a remarkably able and instructive speech upon this subject, for which everyone ought to be obliged to him. There is no doubt, of course, under the decisions cited by the Senator from Minnesota, that Congress has the power to abrogate treaties made with Indians as Congress has the power to abrogate treaties made with foreign nations, so far as the question of power is concerned. In other words, the courts have held that under the Constitution a treaty is the law of the land, but it differs in magnitude or importance from no other law in that respect. We can make a law and we can abrogate it. But power is one thing, as my friend knows, and the moral right to exercise the power is another. If we abrogate a treaty with a foreign country, although we have the power to do it, the Supreme Court has often said we do it at our peril. If we abrogate a treaty with the Indians, we abrogate it at our peril. but the peril is so little that it amounts to nothing.

Mr. HOAR. The Senator has not lived among the Indians.

Mr. SPOONER. I have lived in the neighborhood of the Indians and I served in the Army among the Indians, but in this day the peril is not so great. That leads me to the question which I want to ask the Senator, whether there is any moral obstruction, any principle of honor——

Mr. NELSON. There is no question of honor at all. The Senator from Connecticut [Mr. PLATT] ably answered the question yesterday.

Mr. SPOONER. I did not hear the Senator from Connecticut. I know if he did it he did it ably. I did not know but that the Senator intended to refer to that phase of it.

Mr. NELSON. I did refer to one feature of it, and the Senator from Connecticut supplemented in a most emphatic and powerful manner a part of the argument I made. The moral phase of the question is this: By the invitation, express and implied, of the Indians, 400,000 white people have gone into that Territory. They have built towns, churches, public buildings, and railroads. They have improved the country. They have made it one of the richest and most prosperous portions of America. They have enriched the Indians. They have gone there by the consent and permission of the Indians, and in view of the great task they have performed in that country the Indians are morally and equitably estopped from denying their right to organize a government. Those 400,000 people, our own kith and kin, as good people as there are in any State or Territory, are in the Indian Territory, and they have no local government except in a few of the town sites. They are without schools, except in a few instances. They have no county or township government of any kind. They are utterly helpless, more helpless than any class of people within our territorial possessions. Even in the Philippine Islands an American citizen is more protected by law and authority than in the Indian country.

I insist that it is our moral duty, a duty which we owe those people, to see to it that they get an organized government as soon as possible, and that the Indians, in all conscience and all equity, are estopped from protesting and objecting to it. Those white people have created the great wealth of that country. Had not those 400,000 white people gone into that Territory it would have been a sleepy hollow of Indian nations. There would have been no great prosperous towns and no great wealth. The wealth that is there to-day, the great prosperity that is there to-day, were brought there and created by the white people who are in the Territory; and by their efforts they have made those Indians the richest people in all this country. There is no class of people, even in my own State or the State of the Senator from Wisconsin, as wealthy as the average member of the Five Civilized Nations.

Mr. SPOONER. My friend does not understand me as antagnizing him?

Mr. NELSON. Not at all.

Mr. SPOONER. I heard read here a day or two ago a protest from the tribes, in which they insisted that under existing treaties they were entitled to tribal government until 1906.

Mr. NELSON. This does not interfere with tribal government.

Mr. SPOONER. The Senator has investigated the subject, and I have not. I am asking merely for information.

Mr. NELSON. By the last treaties made with them we did not agree that tribal government should remain, but we said tribal government should end at a certain time; that is all.

Mr. SPOONER. The Senator says they have all been made citizens of the United States.

Mr. NELSON. They have all been made citizens of the United States by the act of 1901. Before I commenced to probe the subject it was my impression that no Indians were citizens except under the general allotment law, which made them citizens only when allotments had been made to them.

Mr. SPOONER. That is the general rule.

Mr. NELSON. That is the general rule applying to all Indians in this country. I was not aware that there had been a wholesale naturalization of Indians in the Indian Territory till I found this law, but if you will examine the law you will find that by the act of 1901 every Indian in those nations is a citizen of the United States.

Mr. SPOONER. That is not against their protest?

Mr. NELSON. I never heard of any protest.

Mr. SPOONER. That makes a very strong position, because it would seem that Congress would have a right——

Mr. NELSON. I want to say further that that is not all, but that the bulk of the Indians, except a few of those chiefs whom I used to see swarming around the Capitol when I was a member of the Committee on Indian Affairs in the other body—with the exception of a few of those who hung around Washington and got money out of the rank and file of the Indians and grew fat—the rank and file of the Indian people want statehood just as bad as the white people there, because statehood will protect them against those of their own kind who have been growing fat and living upon them in years past.

Mr. SPOONER. It would seem to be very odd if Congress had not power to organize a republican government for citizens of the United States anywhere in the United States.

Mr. NELSON. Certainly.

Mr. SPOONER. I thank the Senator for his suggestion.

Mr. NELSON. I now come to the present status in the Indian Territory, and to what has been accomplished. I desire to read from the last report of the Commissioner of Indian Affairs. In his last annual report he states:

INDIAN TERRITORY UNDER THE CURTIS ACT AND SUBSEQUENT LEGISLATION—AGREEMENTS.

Three agreements have been negotiated during the last fiscal year: One with the Cherokees, approved July 1, 1902 (32 Stats., 716), ratified by them August 7, and proclaimed by the President August 12; one with the Choctaws and Chickasaws, approved July 1, 1902 (32 Stats., 641), and ratified September 25; and one with the Creeks, approved June 30, 1902 (32 Stats., 500), ratified by them July 26, and proclaimed by the President August 8.

He adds:

There seems to be no necessity for any further agreements with these nations or with the other nation of the Five Civilized Tribes in the Indian Territory, and there appears to be no reason why the work of making rolls and allotting lands in severalty should not proceed with rapidity under these new agreements.

Now, Mr. President, in this connection I have a brief or a statement prepared by the Indian Office by which I propose to show the effect of the recent treaties and agreements with the Indians in respect to lands and rights of members of these different nations. This memorandum was prepared at the Indian Office.

CREEK AGREEMENTS.

Section 46 of the Creek agreement, ratified by the act of March 1, 1901 (31 Stat., 861), declares that the tribal government shall not continue—

I call the attention of the Senator from Wisconsin to the fact that there is not a covenant that it shall continue, but there is a covenant that it shall not continue any longer. It declares that—

the tribal government shall not continue longer than March 4, 1906.

Mr. SPOONER. What is that?

Mr. NELSON. I refer to the Creek agreement. I am giving a summary of the effect of material portions of recent agreements made with the Indians—the agreements that are now in force, under which they are closing out the matter, under which they have made allotments and are making allotments. I will repeat this statement. It was prepared by the Indian Office:

CREEK AGREEMENTS.

Section 46 of the Creek agreement, ratified by the act of March 1, 1901 (31 Stats., 861), declares that the tribal government shall not continue longer than March 4, 1906, subject to such further legislation as Congress may deem proper.

Section 16 of the Creek agreement, ratified by the act approved June 30, 1902 (32 Stats., 500), is as follows:

"Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation nor be alienated by the allottee or his heirs before the expiration of five years from the date of the approval of this supplemental agreement, except with the approval of the Secretary of the Interior. Each citizen shall select from his allotment 40 acres of land, or a quarter of a quarter section, as a homestead, which shall be and remain nontaxable, inalienable, and free from any incumbrance whatever for twenty-one years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear." * * *

"It will be observed that citizens of the Creek Nation can not dispose of any part of their allotments until after the expiration of five years from the date of the approval of the agreement except with the consent of the Secretary of the Interior. The section above quoted provides that each citizen shall select a homestead, which shall be nontaxable and inalienable for twenty-one years from the date of the deed. The remainder of the land allotted to each Creek citizen would undoubtedly become subject to taxation at the expiration of five years from the date of the approval of the agreement, and if any part of the same were sold with the consent of the Secretary it would unquestionably become taxable as soon as the Indian title was extinguished, if not before. (Allotted lands may be leased, sec. 17, p. 5, of last agreement.)

CHEROKEE AGREEMENTS.

"Sections 13, 14, and 15 of the Cherokee agreement, approved by the act of July 1, 1902 (32 Stats., 716), are as follows:

"13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allotable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

"14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.

"15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

"Section 63 of this agreement declares that the tribal government shall not continue longer than March 4, 1906.

Again I call your attention to the fact that there is no agreement that the tribal governments are to continue that long. It simply says that they shall not continue any longer.

"It will be observed that section 14 provides that the land allotted to Cherokee citizens shall not be subject to any incumbrance or sale before the expiration of five years from the date of the ratification of the act, while section 15 provides that all of the lands allotted to a citizen, except the homestead, may be alienated 'in five years after issuance of patent.'

"Proceeding on the theory that the land would not be taxable until title of the citizen had been extinguished, lands in this nation would not be subject to taxation—at least, until five years from the date of the ratification of the agreement. Alloted lands may be leased, section 72, page 12, of agreement.

CHOCTAW AND CHICKASAW AGREEMENTS.

"The Choctaw and Chickasaw agreement approved by act of June 28, 1898 (30 Stats., 495), generally known as the Curtis Act, provides that—

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1898.

"Sections 12, 13, 14, 15, and 16 of the Choctaw and Chickasaw agreement, approved by the act of July 1, 1902 (32 Stats., 641), are as follows:

12. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 160 acres of the average allottable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment.

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, nor shall said lands be sold except as herein provided.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent, as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from the date of the patent: *Provided*, That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal governments for less than its appraised value.

"Sections 56 to 63, inclusive, of the agreement last above mentioned relate to the sale of coal and asphalt lands of the Choctaw and Chickasaw nations.

"Section 58 provides that the Secretary of the Interior shall, within six months after the final ratification of the agreement, ascertain, 'so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including therein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time he shall, by a written order, segregate and reserve from allotment all of said lands.' This section further provides that this total segregation and reservation shall not exceed 500,000 acres.

"The Choctaw and Chickasaw agreement approved by the act of June 28, 1898, provides that—

"All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of 160 acres, for which he shall have a separate patent, and which shall be inalienable for twenty-one years from date of patent. This provision shall also apply to the Choctaw and Chickasaw freedman to the extent of his allotment.

"Construing these two agreements together as a whole, it would seem that the lands allotted to members of the Choctaw and Chickasaw tribes would not be subject to taxation 'while the title remains in the original allottee, but not exceeding twenty-one years from date of patent,' unless it can be held that under the provisions of section 68 of the supplemental agreement, as follows:

"No act of Congress or treaty provision, nor any provision of the Atoka agreement, inconsistent with this agreement shall be in force in said Choctaw and Chickasaw nations—

the provisions of the quotation last above made from the agreement of June 28, 1898, are inconsistent with the provisions of the supplemental agreement.

"SEMINOLE AGREEMENTS.

"The agreement with the Seminoles approved July 1, 1898 (30 Stats., 567), provides that 'All contracts for sale, disposition, or incumbrance of any part of any allotment made prior to date of patent shall be void.' This agreement also provides that—

"When the tribal government shall cease to exist, the principal chief last elected by said tribe shall execute, under his hand and the seal of the nation, and deliver to each allottee a deed conveying to him all the right, title, and interest of the said nation and the members thereof in and to the lands so allotted to him, and the same shall thereupon operate as a relinquishment of the right, title, and interest of the United States in and to the land embraced in said conveyance, and as a guarantee by the United States of the title of said lands to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to and interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of 40 acres, which shall, by the terms of the deed, be made inalienable and nontaxable as a homestead in perpetuity."

"This agreement, it will be seen, provides that the homestead, in perpetuity, shall be nontaxable. Therefore it would seem that all the lands allotted to Seminole citizens except the homestead would become subject to taxation, under any circumstances, when the tribal government shall have ceased to exist.

"In the case of the United States *v.* Railroad Company it was held by the Supreme Court of the United States that 'A tax is understood to be a charge and a peculiar burden for the support of Government.' (17 Wall., 322–326).

"In the case of Perry *v.* Washburn, the Supreme Court of the State of California held that a tax is a charge upon persons of property to raise money for public purposes; it is not founded upon contract and does not establish the relation of debtor and creditor between the tax payer and the State (20 Cal., 318).

"From the above quotations it will be seen that the agreements with the Creeks, Cherokees, and Seminoles specifically declare that the homestead shall be nontaxable. If we apply the doctrine of inclusio unius est, exclusio alterius (the inclusion of one is the exclusion of another), it would seem that in these nations all of the lands except the homesteads would become liable to taxation as soon as a State government is established in the Indian Territory.

"If the provisions of the two agreements with the Choctaws and Chickasaws are consistent, it would appear that all of the lands allotted to the members of the two tribes would be nontaxable as long as the title remained in the original allottee, not, however, exceeding twenty-one years. The coal and asphalt lands would unquestionably become subject to taxation as soon as the Indian title became extinguished—that is, when the lands were sold—as would also the residue of the lands not 'reserved or otherwise disposed of' mentioned in section 14 of the agreement approved July 1, 1902."

Mr. President, from this summary will be seen the present condition and state of the allotments which have been made in that Territory. It is obvious from reading this summary and considering the work of the Dawes Commission that most of the work in the matter of allotments, segregating lands, setting them apart for the Indians has taken place. While one of the treaties contains a provision that the tribal governments may continue until 1908, in the other cases it is simply permissive. But I insist that it is unfair and unjust to the 400,000 white people who are living in that Territory without any government at all to keep them waiting until 1908 for the expiration of these tribal governments.

Placing the people of the Indian Territory in the condition of statehood with Oklahoma will in no manner interfere with or disturb the tribal governments, but, as a matter of fact, it is for the advantage and benefit and interest of the Indians that the tribal governments shall cease immediately. The Indians are now citizens of the United States, and nearly all of them—all of them with but a very few exceptions—are as competent to participate in self-government as most of the other citizens of that Territory. They are to a large extent white men, some of them with a little Indian blood, just enough to have connection with the tribes by means of blood. Others, again, are members of the nations by marriage, and some by adoption, but the great majority of the nation—90 per cent of the people—are as competent and as well qualified to participate in a State government, in county, township, and local government, as are the other people of that Territory.

It is no injustice and it is no hardship to give them such a government. On the contrary, it is a great blessing to them. The provisions of the substitute we reported in no manner interferes with the relations between the Government of the United States and the Indian nations in the matter of perfecting, consummating, and carrying out their allotments of land.

It is claimed that a good deal of the property of this Territory is tied up and will not be taxable for a great many years. I propose now to read a statement I have carefully compiled from the reports of the Dawes Commission and from the reports of the Secretary of the Interior and the Commissioner of Indian Affairs as to the conditions of land in that Territory, what lands are alienable and what are not alienable, and what restrictions there are upon alienation, and also what lands are taxable and what are not taxable.

SEMINOLE NATION.

Take the Seminole Nation. The total acreage of land of that nation is 365,851.57; reserved for town sites, schools, churches, railroad right of way, 2,272.65; acres subject to allotment, 363,578.92; acres already allotted, nearly all of it, 344,948.28; leaving a surplus of only 18,630.64 that have not been allotted in that nation.

Only the homesteads of the allottees are reserved from taxation, and these consist of 40 acres each. (Act July 1, 1898, 30 Stat., p. 567.)

There were 2,754 allottees, so that the total number of acres reserved from taxation aggregates 110,160, leaving subject to taxation in this nation:

Acreage farm lands	253,418.92
Wewoka town site (acres)	635.70
Choctaw, Oklahoma and Gulf Railroad, and St. Louis, Oklahoma and Southern Railroad, miles	25.00

These statistics are taken from the advance sheets of the report of the Dawes Commission for the year ending June 30, 1902.

CREEK NATION.

The total acreage of land in the Creek Nation is 3,172,813.16 acres; reserved for town sites, schools, churches, etc., estimated, 15,000; acres subject to allotment, 3,157,813.16; acres allotted, 2,177,262.44; not allotted, 980,550.72.

Homesteads of 40 acres are reserved from taxation (section 16 of act approved June 30, 1902, and ratified by Creek council July 26, 1902). There are 14,924 allottees entitled to homesteads, making the total acreage exempt from taxation 596,960, and leaving the following property in this nation subject to taxation:

Allotments (acres)	2,560,853.16
25 town sites (acres)	10,546.79
Railroad mileage	400.00

The above statistics are taken from Report of Dawes Commission, 1902.

CHEROKEE NATION.

Total acreage, in the neighborhood of 5,031,351; reserved for town sites, 6,887.65; reserved for schools and churches, 1,000; reserved for railroads, etc., 10,000; total, 18,000; leaving the total amount of acres subject to allotment 5,013,351.

None of this has yet been allotted, but a land office has been established January 1, and the work of allotment is being taken up. There are approximately 35,000 allottees, and under the treaty ratified by the nation August 7, 1902, 40 acres are reserved from taxation for homesteads, making a total of 1,400,000 acres. The following property in this nation after allotment will be subject to taxation:

Allotments (acres)	3,631,351
25 town sites (acres)	6,887.65
Railroads, right of way for railroads (miles)	615

CHOCTAW AND CHICKASAW NATIONS.

Total acreage (approximate), 11,338,935; reserved from allotment—town sites, 32,843.57; railroads, 20,000; schools, churches, etc., 5,000; coal and asphalt 500,000; total, 558,000; leaving subject to allotment 10,780,935.

Under the act approved July 1, 1902, and subsequently ratified by both these tribes, none of the allotments are exempt from taxation. It therefore appears that the following property in these nations will be subject to taxation as soon as the allotments are completed:

Allotted lands	acres..	10,780,935.00
Ninety-six town sites	do....	32,843.57
Mineral lands to be sold by Interior Department	do....	500,000.00
Railroads in this nation	miles..	1,360.00

Now, summarizing as to what lands are taxable and nontaxable, the statement is as follows:

Lands in the Five Civilized Tribes taxable and nontaxable.

Nation.	Taxable.	Nontaxable.
	Acres.	*Acres.*
Seminole	253,418.92	110,160
Cherokee	3,631,351.00	1,400,000
Creek	2,560,853.16	596,960
Choctaw and Chickasaw	10,780,935.00	5,000
Total	17,226,558.08	2,112,120

Taking all the five nations in the aggregate, the amount of land that will be taxable as soon as all the allotments are completed will be 17,226,558.08, and only 2,112,120 acres will be nontaxable, and only a small part of that in perpetuity.

In addition to these lands of the reservation, the Quapaw Reservation, in the northeast corner of Indian Territory, is omitted from the foregoing tables. It contains about 25,000 acres and has all been allotted.

As to this reservation I quote the following from Gideon's History of Indian Territory:

A tract of land in the northeast part of the Cherokee Nation is known as the Quapaw Agency. In size it is scarcely larger than a county, but several remnants of tribes who were once powerful reside inside its limits. The Quapaw, Peoria, Miami, Ottawa, Shawnee, Modoc, Wyandotte, and Seneca reservations were all included. The Frisco Railroad passes through the Wyandotte Reservation, and a branch of the Kansas City, Fort Scott and Memphis connects Miami, the capital city, with the main line at Baxter Springs, Kans. Miami, Wyandotte, and Peoria are all incorporate towns, and title can be given to real estate. The Miami Indians can sell 100 acres of their allotments and can make a clear title, the Quapaws can sell inherited allotments, and the Peorias can sell only a certain per cent of their holdings. There is a strip of land 1 mile wide and 2 miles in length in the Wyandotte Reservation in the center of which is the pretty little village of Wyandotte. This is a thriving town, and has an excellent agricultural country around it. The Quapaw Reservation has splendid meadow and grazing lands, with several fine farms in its western part.

Last March Mr. MOON, from the Committee on the Territories of the other House, submitted a report to the House of Representatives (Report No. 956, first session Fifty-seventh Congress) to accompany H. R. 12268, which recommended the creation of Jefferson Territory out of the area now embraced within the borders of the Indian Territory. In that report the committee considered the question of taxable property, and the following extract is taken from that report:

The real estate in the Indian Territory is at present exempt from taxation, the title to the whole body of the lands outside of the towns being yet in the Indians, but the taxable property is sufficient to support a Territorial government. The following data, obtained from reliable sources, give a conservative estimate of some of the property subject to taxation:

Ninety incorporated towns, including only about 75,000 of the population, have an assessed valuation of taxable property of $20,000,000. A conservative estimate of the taxable value of unincorporated towns is $5,000,000. There are 1,500,000 head of cattle, 400,000 head of horses, 65,000 head of mules, about 400,000 hogs, and 25,000 head of sheep. There is invested in coal-mining and coke-oven properties about $4,000,000. There are 1,415 miles of railroad in operation, and about 300 miles now under construction. A conservative estimate of the entire taxable wealth of the Territory could not be less than $60,000,000. No estimate is made of corn, wheat, oats, and cotton, which are also extensively produced in the Territory.

In this statement Mr. MOON has not taken into account, as I have in the statement I have just read, the fact that in two of these tribes, the Creeks and Seminoles, the allotments are practically completed, and that those lands are or will in the immediate future be subject to taxation; and as to the other three nations the Dawes Commission now is engaged in the work of making allotments. They are trying to perfect the roll of citizenship. As soon as those rolls are completed the work of allotment will go on and, I think, inside of a year, or eighteen months at the furthest, that work will be entirely completed.

Using the quotation just read by me in connection with the foregoing statistics, a reasonably conservative estimate of taxable values of the Indian Territory may be reached. In this estimate I take $3 per acre as the average assessable value of the farm lands.

Property subject to taxation as per estimate of House committee	$60,000,000.00
Farm lands in Seminole Nation now allotted and subject to taxation, 253,418.92 acres, at $3	760,255.76
Farm lands in Creek Nation now allotted and subject to taxation, 2,177,262.44, at $3	6,531,787.32
Railroad mileage included in House committee report, 1,415 miles. Mileage now reported by Dawes Commission is 2,400 miles. Excess 1,000 miles, at $7,500 per mile	7,500,000.00
Incorporated towns in House committee report, 91. Now incorporated, 146. Difference, 55 towns	10,000,000.00
Total at present subject to taxation	84,791,043.08

I am taking the value of the personal property, the value of the town sites, the value of the stock and the cattle and everything, and the value in this estimate of the lands that have been allotted to two of the tribes in which the allotments are practically completed.

In addition to the above, as soon as allotments are completed there will be lands subject to taxation as follows:

Creek Nation, 980,550.72 acres, at $3	$2,941,652.16
Cherokee Nation, 5,013,351 acres, at $3	15,040,053.00
Chickasaw and Choctaw nations:	
10,780,935 acres, at $3	32,342,805.00
500,000 acres mineral and asphalt lands	25,000,000.00
Total	75,324,510.16

This last $75,000,000 will be constantly coming in, and will doubtless all be subject to taxation within two or three years from this time.

In other words, there are practically now $84,000,000 worth of property, at a low estimate, subject to taxation. The lands are estimated at only $3 an acre, and they are probably worth from $25 to $50. There are now $84,000,000 worth of property subject to taxation, and in the near future, as soon as these allotments are completed, there will be at least $75,000,000 to $80,000,000 more, and that by only putting the value of the lands on the basis of $3 an acre, and they are among the best agricultural lands in all this country.

I have now gone over the question of taxation of these lands, as to what lands are taxable and what are not taxable. I now take up and refer to the lands that are alienable and nonalienable.

LANDS INALIENABLE AND ALIENABLE, AND WHEN ALIENABLE.

Seminoles, 253,418 acres, alienable when patent issues.

Seminoles, 110,160 acres (40-acre homesteads); inalienable in perpetuity.

Cherokee, 3,631,351 acres, alienable in five years after issue of patent.

Cherokee, 1,400,000 acres (40-acre homesteads); inalienable during life of allottee, not exceeding twenty-one years.

Creek, 2,560,853 acres, not alienable without consent of Secretary of Interior till five years after approval of supplemental treaty (June 30, 1902).

Creek, 596,960 acres (40-acre homesteads); inalienable for twenty-one years after date of deed.

Choctaw and Chickasaw, 5,780,935 acres (160-acre homesteads); inalienable during life of allottee, not exceeding twenty-one years from date of certificates of allotment.

Choctaw and Chickasaw, 5,000,000 acres, alienable—one-fourth in one year, one-fourth in three years, and one-half in five years after issue of patent.

I have here, Mr. President, in this statement attempted to show the exact condition of the land question in that Territory. I have pointed out what progress has been made in the way of allotments and I pointed out the condition of those lands when allotments are completed, as to what lands are alienable and inalienable, and as to what lands are taxable and nontaxable, and the limitations and qualifications in respect to alienation and taxation.

I have pointed out these facts in such detail, Mr. President, for the purpose of showing that there are no serious obstacles to attaching Indian Territory to Oklahoma and making the two into one State. The Indian Territory would be abundantly able to share and bear its just proportion of taxes.

Perhaps, in the first instance, there might not be as many lands taxable in Indian Territory as there are in Oklahoma, and yet I doubt it. The bulk of the lands in Oklahoma are nontaxable until a patent has been issued. Most of them have been entered under the homestead law, and lands that have been entered under the homestead law are not taxable until a final patent is issued. I do not know whether they do in Oklahoma as we have done in Minnesota and in some of the Western States—tax the improvements of the homesteaders. But until a patent is issued, which, except in commutation cases, can not be until after five years, the lands are not taxable. It would be a great labor, but I think if we had a complete list from the Land Office giving a description of every homestead entry made in Oklahoma Territory, if we had a complete

list of the homestead entries, their dates, and the facts, showing what entries have been proved up and patented and what not, we should find that the bulk of the land in Oklahoma Territory to-day is not taxable and will not be for some years to come.

I see sitting at my left here the able junior Senator from South Dakota, my near neighbor [Mr. MCCUMBER]. He knows full well the truth of what I speak in this connection, that homestead lands are not taxable before final entry. That should be taken into account, Mr. President.

I may say for those who are not familiar with that law that a homesteader, under existing laws, makes his first or preliminary entry. That is the beginning of it. He can, after settling on the land, cultivating it, and living on it for fourteen months, commute it—that is, furnish proof that he has complied with the law for fourteen months and pay for the land. That gives him a certificate of entry, and in due course a patent is issued. But if he does not choose to pay for the land, he can live on it seven years. He can prove up at the end of five years.

Five years' residence entitles him to a free entry of the land if he proves his residence and cultivation, but he can take two years more. A homesteader who is not anxious to sell his land, in a great many cases avails himself of the two years for proving up, so that he has seven years. If you take into account the fact that a great many of these lands have been recently opened you will see that a large portion of the lands in that Territory are not subject to taxation. I think by the time all the available lands have been entered as homesteads and by the time those entries have been consummated and reduced to ultimate patents of title, the bulk of the land in the Indian Territory will become taxable.

So, when we come to the matter of taxation of real estate, Mr. President, we find that there will be as much real estate taxable in the near future in Indian Territory as in Oklahoma.

The Indian Territory has one class of property that is immediately taxable that Oklahoma has not. I refer to the valuable coal fields. Five hundred thousand acres of those valuable coal lands are to be segregated and immediately available for disposal. There is an asset for taxation that equals thousands of acres of homestead lands.

So, Mr. President, in the matter of taxation, as I said a moment ago, Indian Territory is at this particular instant, and would be as soon as the two Territories are combined, united, and admitted as one State, fully competent and able to bear her full share of the burdens of taxation. There can be no question as to that.

The substitute reported by the committee does not interfere with allotments; it does not interfere with the consummation and perfection of allotments of land in that Territory; it does not interfere with any of the special rights of the Indians. But suppose it did interfere with that provision which says that tribal government shall not cease until 1906, I submit that it would be a blessing to the Indians to obliterate those governments before that time. These tribal governments have been as great a curse as firewater has been to the Indians; those tribal governments, from the very beginning down to the present time, have been a curse and a nightmare to the development of those Indians, and it would be a blessing, now that they are citizens of the United States, to put them on a par with other citizens and give them all the privileges and immunities that other citizens of the United States enjoy.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. The convention at Oklahoma City held last week had as its president a full-blood Indian; as its permanent chairman an Indian from the Indian Territory; as its secretary an Indian from the Indian Territory; and Indians from the Indian Territory were among the delegates demanding the very relief which the substitute proposed by the committee affords; demanding and begging this Congress to give them relief from the tribal condition of which the Senator so cogently speaks.

Mr. NELSON. I have no doubt, Mr. President, but that a great and large majority of the members of the Five Civilized Tribes are as anxious for statehood as are the white people in that Territory, because their petty tribal governments have been a curse and a burden to them; they have been simply instruments in the hands of a few schemers among their own people, and oftentimes of white schemers, who are ex officio members of the tribe simply by marriage or adoption.

Mr. President, I am about done. Perhaps I owe an apology to the Senate for taking up so much of its time, but I have endeavored from first to last, in my humble way, in a plain and unvarnished manner, to point out the important facts and circumstances which ought to guide and govern us in a matter of such great moment. At the outset, Mr. President, I briefly pointed out the general principles that ought to control us in the admission of new Territories as States in respect to population, in respect to numbers, in respect to the moral and intellectual qualities of the people, and in respect to their industrial and economic development as States. Then, after laying down those general rules, I proceeded to take up these Territories, one by one.

I first took up the Territory of Arizona. I pointed out in that case, in as brief a manner as I possibly could and do the matter justice, first, that as to population, deducting the Indians not entitled to representation under any circumstances, giving that Territory credit for all that it reasonably can claim at this time, it did not have a population which entitled it to one Representative in the other House of Congress. Taking the figures of the census as a basis and allowing them the same rate of increase they had from 1890 to 1900, they have at this time not much over 106,000 people. If you take the statistics of the Indian Office as to the number of the Indian population, they would have only a little over a hundred thousand. They have only a little more than one-half of the ratio entitling them to a Representative in the other House of Congress.

In the next place, I pointed out the fact—and in respect to Arizona I did not go outside of the statistics of the census—that in the matter of illiteracy the people of Arizona occupy a very low level, a lower level than any of the States of this country except a few of the old slave States which, in the days prior to the civil war, were burdened with a large slave population. I showed the great discrepancy with reference to illiteracy between that Territory and all the great and growing and progressive States of the country. Then I showed that the industrial life of the people was in a stagnant and comatose condition; that only a mere fraction, a mere bagatelle, less than 1 per cent, far less—I do not remember the exact figures—of the area of that Territory has ever been under cultivation; that cultivation is limited by irrigation, and that irrigation has reached its limits.

Cattle raising and agriculture, for the lack of water, for the want of irrigation, for a long time have been at a standstill. Their mining industry, for which so much has been claimed, is exceedingly limited. Aside from that of copper, of which there is some mining, their gold and silver mining is very slight indeed; and as to coal there is almost next to nothing.

Take the Territory as a whole in respect to the number of its people, in respect to their quality and capacity for self-government, in respect to their industrial and economic development, and it seems to me, Mr. President, the Territory of Arizona is at this time wholly unfit for statehood, and that it ought to remain in a Territorial condition for some time to come. It ought to remain in that condition, Mr. President, for another reason; and that is, by recent legislation of Congress we have made provision for a vast scheme of irrigation under the auspices and at the expense of the Federal Government. That law ought to have a chance to operate for the good of those people; that law ought to have time to confer the blessings that are to come to the people of Arizona, as they will come to other portions of the arid belt—like Divine grace, without price.

If we admit those people to statehood at this time, the promoters and the schemers, who have all kinds of schemes of irrigation for the purpose of promoting stock jobbing and disposing of land, will go there; they will run the Territory and the municipalities into debt; whereas if the people are left in a Territorial condition, they can gradually, without any expense, under the blessings of the recent legislation passed by Congress, to which I have already referred, secure that water supply, that irrigation which is so essential to their industrial life and happiness.

I am now only making a brief summary. I next took up the case of New Mexico. In the case of New Mexico, although it is one of the oldest settled portions of the United States, which has been settled for more than three hundred years, yet at this moment, if we deduct the nonrepresentative Indian population, it has barely enough people for one Representative in the other House of Congress.

If there were no objection but the mere matter of numbers I should have nothing to say; but when you come to examine the character of that population you find a population in that Territory more un-American in all its characteristics than you find anywhere else in our borders between the two great oceans. It is to-day, as I said, Mr. President, as it has been in the past, a portion of old Mexico injected into the bowels of the United States. The characteristics which it possessed in its earliest period it still possesses in a great degree, and on account of the climate, the soil, and other things there has not been sufficient immigration of Americans to Americanize that country and make it like the rest of the United States.

Notwithstanding all the advantages of a Territorial government—the same advantages of Territorial government that the other Territories of the Northwest enjoyed—they never had a public school system established in New Mexico prior to 1888, although they became an organized Territory as early as 1851. They did not make as much progress in the matter of public

education for the masses of their people from 1851 to 1888, a period of thirty-seven years, as the people of Porto Rico have made within the last two years, since we passed the act organizing and establishing the Territorial government of Porto Rico.

But that is not all, Mr. President. I am not finding fault because those people are of Mexican descent. That is not at all to their discredit. What I am finding fault with them for is that they do not become Americanized, and that they still speak the Spanish language. Two-thirds of the people of that Territory are known as Spanish-Mexicans, and with them the Spanish language is still the predominating language. In their public schools Spanish is taught side by side and on a footing of equality with English, and in many schools back in the country districts they teach nothing but Spanish.

Look at their courts, Mr. President, and you have a spectacle in reference to the administration of justice that you do not find anywhere else under the jurisdiction of our Government outside of Porto Rico and the Philippine Islands. In those courts they have interpreters not only to interpret the testimony of witnesses—for that is common enough and occurs all over the country—but they have interpreters to interpret the arguments of counsel to the jury, to interpret the charge of the court to the jury, and, what is more, in many instances they send interpreters into the grand and petit jury rooms, to be among the jurymen—a thing never heard of anywhere else in all this broad land. I do not think you will find any court outside the courts of New Mexico that would tolerate an interpreter going in among the jurors when they are deliberating on their verdict. The same thing takes place in the legislative halls, where they use the Spanish language fully as much as the English. Their laws are printed in both languages—Spanish and English.

Go to their justices' courts, and you find almost all the justices' courts in that country are wholly conducted in the Spanish language. Their dockets—and everybody who is familiar with jurisprudence knows what a justice's docket is—from beginning to end are in the Spanish language. A man going to that country to examine the dockets of any of those justices' courts and to examine the proceedings, if he came there blindfolded would think that he was in Spain or old Mexico, and not in a portion of the United States that has been a part of our country ever since General Kearney and Colonel Doniphan occupied that country in 1846.

Mr. MITCHELL. Is there no hope for a change?

Mr. NELSON. Yes; there is hope for a change; and I want to give those people an opportunity of a good training school, as good a training school as any of us need—a well-organized Territorial government. The State of the honorable Senator from Oregon was for some time a Territory, and all the great Northwestern States have been in a Territorial condition; but although they occupied that position, they never allowed that to stop the wheels of progress.

I live in a State, Mr. President, where perhaps one-fourth of the population is of foreign birth, and yet I have never known anywhere in that State—and I have practiced law in many counties of the State—such a thing as an interpreter standing up beside a lawyer and interpreting his argument to the jury; I have never known the charge of a judge interpreted to the jury, and I have never known such a thing as an interpreter being sent in with a grand jury or a petit jury to interpret and deliberate with them, except in New Mexico.

Mr. SPOONER. Such a thing would vitiate the verdict of a jury almost anywhere else.

Mr. NELSON. Yes; it would anywhere else except in New Mexico vitiate a verdict, as the Senator from Wisconsin says. To allow a man to go into a jury room when the jury were deliberating, and he not a member of the jury, would be ground for setting aside an indictment in any court except in the courts of New Mexico.

As I was saying, I have never known of such a thing in my portion of the country, and there we have never had the laws published in any but the English language. Our public schools are conducted in the English language even in the districts—and there are many of them—where the bulk of the population were born in foreign countries; and yet they are as loyal and as faithful to the American system of public schools as though they were to the manner born. But how is it in New Mexico? In spite of all the advantages they have had, those people are still Spanish, still un-American, still backward. Those people are not at this time fit and qualified for or entitled to State government.

It is for our interest to be, and it is one of the glories of this county that we are, a homogeneous, Anglo-Saxon nation, speaking the English language. We do not want any other language to usurp and maintain a foothold in this country; we do not want a Spain, or a Germany, or a Norway, or anything else of that kind in this country; we want the whole of it a homogeneous, Anglo-Saxon, English-speaking people; and so long as any portion of our country is in that un-American condition in respect to language and education I submit that it ought to remain in a state of pupilage and as a Territory until it has reached the full manhood of American citizenship.

It is no hardship to the people of New Mexico, as it would be for the people of the Indian Territory, to be deprived of admission into the Union. They have a good government. Congress has given them a large school grant, greater than was given to the Northwestern States. Let them utilize that school grant; let them Americanize themselves; let the proceedings of their courts and their legislature be conducted in English; let them publish their laws only in the English language and have their schools teach nothing but English, except in their higher schools, where they teach a foreign language as one of the dead languages. All these things they can accomplish while in a Territorial condition; and until they have accomplished and availed themselves of these privileges they have not the right to come here and apply for statehood.

In this matter, Mr. President, it is not the clamor of the politicians and the promoters to which we ought to listen, but we ought to listen to the conscience and voice and sober sense of the American people, and not do what those politicians and promoters ask us to do, but do what is best for the highest good and the greatest blessing of the American people.

Now, coming to Oklahoma and the Indian Territory, I am actuated by no hostility to the people of Oklahoma. When they came here some years ago to get the free homestead bill passed, although but few people in my State had an interest in it, and that a limited one, I was anxious to pass that bill for the relief and help of the people of Oklahoma, for it helped more people in that country than anywhere else.

Mr. President [Mr. FRYE in the chair], you will remember I stood up in this Chamber and got the unanimous consent of the Senate to pass the free homestead bill, and no legislation outside of that establishing Territorial governments in Oklahoma has conferred a greater blessing upon the people of that Territory than that act. Their great progress from the time they became a Territory until to-day shows that they have not been in a political strait-jacket. They have not been too tightly laced for their own progress. They have grown and prospered as rapidly as have any of the great and growing Northwestern States. They are not hampered or restrained either by legislation or for want of good administration. They do not suffer for the want of good government. But take their sister Territory right by their side. Look at the conditions there.

Four hundred thousand people of our own kith and kin, as intelligent, as energetic and prosperous, and as good American citizens as there are in any portion of this country, and to-day they are utterly helpless. It is as though their arms and legs were entirely shackled. They have no schools for the children except in a few limited instances, and they have no county, town, or municipal government except in a few town sites. They are utterly helpless. They have come there at the request and on the invitation of the members of the Five Civilized Nations to build up that country, and they have made it a prosperous country—a very garden of Eden; but still they are there as the poor Israelites were in Egypt under the administration of Pharaoh.

Are we to leave them in that condition? No. There is no haste about Arizona; there is no haste about New Mexico; there is no haste even about Oklahoma; but there is haste in regard to the Indian Territory. There is that haste which comes from justice and equity and a purpose to do right: there is haste about doing justice to the people of the Indian Territory and giving them a good government as soon as practicable; and now, Mr. President, is the accepted time. Let us unite these two little Territories, small in area, with a ragged, broken frontier between them, as ragged and broken as though a limb or a bone had been fractured; let us unite those ligaments that were once together, and make them into one State that will compare in area and dignity with the other great States of the Mississippi Valley—with the State of Arkansas, the State of Kansas, the State of Nebraska, the State of South Dakota, and the State of North Dakota, in the very same row of States.

It is to the advantage of those people to be a great State, on a par with the other great States of the Union. And then look at the great mutual advantages which would come of their union. In natural resources one Territory is the complement of the other. Oklahoma is a prairie country, with little or no timber, and no coal. The eastern half of it is a fertile agricultural country; the west half well within the semiarid belt, a grazing and cattle country. East of it is the Indian Territory, with an abundance of water, with over a million acres of good, valuable timber, including pine and hard wood; and with a large quantity of coal for fuel, one of the greatest necessities of life. What one Territory lacks the other has. By uniting these two Territories, you will have a State that will be possessed of all the great resources that are essential to the development of a State. You will have a

stock-raising State; you will have an agricultural State; you will have a mining State; you will have a lumbering State; you will have a coal-producing State, all in one.

Then look at the great commercial advantages. Every Senator knows what the crossing of State lines means, not only in the matter of arresting and capturing criminals, but also in the matter of traffic and transportation. Under our dual system of government State regulation and State control in reference to railroad and other transportation is limited to the traffic and commerce beginning and ending in a single State. If it extends beyond the limits of that State it is subject to interstate law, subject to Federal power. If the two Territories separate, the conveyance of coal by rail from the Choctaw Nation into Oklahoma would come under the interstate or Federal law. If you have these two combined, coal will be carried from the realms of the Choctaw Nation to the people of Oklahoma under one political head, under one legislative and judicial system, which will enable those people to protect themselves against monopoly in mining and transportation, and what that means we know full well by our experiences in the recent great coal strike.

For the good of the people of both Territories, on account of their natural resources, I say they ought to be one, and that it would be an act of cruelty to separate them—separate what you might say that God hath joined together—separate them and cast them adrift, isolated from each other, commercially and industrially.

As I have shown, there is no hardship to the people of Oklahoma in being united with the Indian Territory. If you take into account all the lands that have been entered under the homestead law in Oklahoma Territory, there are about as many lands—or there will be within the next year—subject to taxation in the Indian Territory as there are in Oklahoma. If you take into account also the numerous town sites that have been settled by those 400,000 white men, the very valuable coal and asphalt fields that are now being developed on such an extensive scale—take all these into account and there is no doubt at all about the people of the Indian Territory being competent and able to bear the full burdens of taxation.

It is not fair, as I said yesterday, for the people of Oklahoma to say, "Let us in now, and then put in a clause providing that we can afterwards take in the Indian Territory." The people of the Indian Territory, if they are to be a part of the combined State, ought to be admitted at the same time, in order that they may all participate in the constitutional convention and have a voice as to the fundamental principles of government. Why should not the 400,000 white people of the Indian Territory have the right to participate in a constitutional convention and express their views as to the constitutional government as well as the people of Oklahoma? Why should we compel them to accept a ready-made government and let them in afterwards, as it were, by grace?

I submit, Mr. President, that as a matter of fairness and as a matter of justice, if we are ever going to combine the two into one, let us combine them now, at the time when we admit them into the Union. By doing so the people of the two Territories—and I want to say that in the committee's substitute in the matter of delegates to the constitutional convention we put them on a footing of equality—if we admit them now and allow them jointly to come in, the people of the Indian Territory will have the same voice and the same opportunity as those of Oklahoma to express their views on the formation of a constitution and a State government, as they ought to have, and any other method of joining them together would be unjust in the extreme to the people of Indian Territory.

Mr. President, I have not occupied the attention of the Senate just for the mere love of debate; I have not occupied it for the purpose of filibustering; I have occupied it, in my humble way, to present all the facts bearing upon the question fully and fairly to the Senate of the United States. I have attacked nobody; I have abused nobody; I have simply aimed, from history, from statistics, and from the evidence, to lay the facts before the Senate in order that every Senator may judge of them as I judge of them. I have no doubt but that every Senator is actuated by the same spirit by which I am actuated, and that is to do what is best for our great country. I am actuated by no hostility to the people of Arizona or New Mexico as such; but while I love them, I love the United States of America more, and what is for the good of our great country, the united whole, is uppermost in my heart and affection.

The Secretary read as follows:

PURCELL, IND. T., *December 28, 1902.*

Hon. KNUTE NELSON, *Washington, D. C.*

DEAR SIR: Outside of a few officeholders and politicians the fight you are making for single statehood is unanimously approved of by all the representative people of both Territories, including the best Indian citizens.

We not only believe you are fighting for what you believe to be right, but that you are demanding that justice be done 400,000 representative American citizens who have even been denied the educational facilities extended to the half-civilized Filipinos.

Wishing you success, I am, respectfully, J. M. BRONAUGH.

PURCELL, IND. T., *December 27, 1902.*

Hon. KNUTE NELSON,
United States Senator, Washington, D. C.

DEAR SIR: I for one (and I think I voice the sentiment of 90 per cent of the people of Oklahoma and Indian Territory) sincerely desire that the Nelson bill admitting Oklahoma and Indian Territory as one State be passed immediately and allow us people a future for our children in way of educational features, not mentioning other benefits which are apparent.

Respectfully,

J. W. HUDSON.

OKLAHOMA CITY, OKLA., *December 5, 1902.*

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.:

One hundred fifty Republicans, 150 Democrats, constituting Oklahoma City commercial organization, heartily indorse your statehood bill. We are for one State first, last, and all the time.

OKLAHOMA CITY COMMERCIAL CLUB,
A. H. CLASSEN, *President.*

[From the Shawnee Herald.]

SINGLE STATEHOOD ON TOP.

The Herald has frequently called attention to the anomalous political conditions that hedged about the statehood condition. During the last campaign much capital was made by the McGuire supporters out of the fact that the Democratic platform was not in line with the Democratic members of Congress and the Senate, who were known to be solidly supporting the omnibus bill. On the other hand, the Herald frequently pointed out that the Republican platform in this Territory was wholly at variance with the undoubted attitude of the Republican Senators in whose hands the fate of statehood lay. The action of the Senate committee yesterday in knocking out the omnibus bill and substituting therefor a sensible, rational, out-and-out single statehood bill is a thorough vindication of the Democratic platform in the late election, and puts those Republicans who voted for Bill Cross and single statehood in the front rank of their party in the Territory. No greater rebuke has ever been administered to the traitors, cowards, and peanut politicians who waged the warfare for an emasculated State of Oklahoma alone and statehood for the greasers and nondescripts of Arizona and New Mexico, while defaming the half million splendid Americans who are our neighbors in the Indian Territory.

OKLAHOMA CITY, OKLA., *December 4, 1902.*

Hon. KNUTE NELSON, M. C.,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Pardon me for referring to our former acquaintance, dating back to 1888, 1889, and 1893; first, during legislation for the opening of Oklahoma to homestead settlement, and later at the antitrust convention at Music Hall, Chicago. In reference to single statehood, I saw by the dailies on yesterday that you, chairman of the Senate Territorial Committee, reported a substitute bill for the Flynn bill; that your bill provides for creating a State out of or combining the Oklahoma and Indian Territories in one State. In this you are right, and nothing short of erecting one grand, imposing, magnificent State out of these two Territories should be attempted by the United States Congress.

Were single statehood submitted to a nonpartisan vote, I think I do not overestimate the result when saying that 80 per cent of the people of both Territories would be cast for just such a measure—the bill you now advocate—as the commercial and political, and, I may add, social interests are so thoroughly cemented together that it would not be short of criminal neglect on the part of Congress to create two States where but one should be established for the good of all concerned. Give to our people one State and you will have added to the satellites of this great and grand Union of States a commonwealth second to no State in our grand galaxy of States, all things considered, associated with intellect, wealth, patriotism, and greatness. And we, the old pioneers who fought her early battles and spent the best years of our lives struggling on and on for homestead settlement, never entertained the faintest opinion that else than one grand State would some day favor the citizens and inhabitants of these twin Territories. Trusting in your ability as one of our leading, broad-gauged statesmen, we now flatter ourselves with foreseen success at your hands. Thanking you for the manly stand you have taken in the interest of all concerned, I will close by wishing you success.

Very respectfully, yours,

SAML. CROCKER.

THEODORE ROOSEVELT REPUBLICAN CLUB, NO. 1.
Sapulpa, Ind. Ter., December 4, 1902.

Hon. KNUTE NELSON, *Washington, D. C.*

DEAR SIR: The above heading will tell you what my political belief is, and the people here unanimously, except the carpetbagger gang who have been imported here to hold office, approve the bill reported by the committee, of which you are one, for the admission of this Territory with Oklahoma into one State, and sincerely hope it will soon become a law.

Very truly, J. J. JONES.

OKLAHOMA CITY, OKLA., *December 5, 1902.*

Hon. KNUTE NELSON,
United States Senator from Minnesota, Washington. D. C.

DEAR SIR: I desire to congratulate you on the noble, statesmanlike, and patriotic stand you have taken regarding statehood for Oklahoma and the Indian Territory. Like yourself, I am a Republican, but I believe there are times when we should rise above partisan politics and do those things that are best for all the people and for the whole nation. The creation of a State out of Oklahoma and the Indian Territory may possibly be a temporary advantage to the Democratic party. The great State of Iowa was once Democratic, and now it is represented by the sturdy ALLISON and the brilliant DOLLIVER. Indiana was once Democratic and now is represented by two brilliant and brainy Republicans, and there was a time in the history of this nation when your own State was not considered as rock-ribbed in Republicanism. Make us one strong, wealthy, conservative State, so that in case the hot winds should blow in a few months' time we would not relapse into a region of desolation and starvation. A strong State means conservatism.

I again congratulate you on the stand which you have taken.

Very truly, yours,

D. C. LEWIS.

OKLAHOMA CITY, OKLA., *December 11, 1902.*

United States Senator BEVERIDGE, *Washington, D. C.*

DEAR SIR: I am proud to see that you are so ably leading the fight for the Nelson bill and against the omnibus bill now pending. I live in El Reno where a majority favor single statehood, but where some active politicians for selfish reasons want to defeat that measure. There are no grounds for this opposition except purely selfish ones. Guthrie, the present capital of this Territory, is afraid of her life, that she will lose the capital, while El Reno has some small hopes of securing it if Oklahoma can be made a State now, but the great host of the people of both the Indian and Oklahoma Territories care for nothing just now but one great and grand State made up of the two Territories combined.

I have traveled commercially the two Territories for nine years, know the resources of both, and the combined resources of the two are absolutely necessary to make a prosperous State. I have always supported Dennis Flynn up to this campaign, and told him plainly, some time since, that I no longer could do so. Now, to encourage you, I say use every power at your command, call for expression and support from the two Territories, bring to bear every known or unknown tactics, and defeat this selfish measure, that if successful, would forever divide the two Territories and thus defeat what God and common sense intends shall be—one grand and glorious State, a State that will be an honor and a pride to the Union and also to its citizens.

Make this the fight of your life, dear Senator, and its success will make you the most honored of all men by the people of the two Territories.

Yours, truly,

C. N. WHEELER,
Elreno, Okla.

OKLAHOMA CITY, OKLA., *December 12, 1902.*

Hon. ALBERT BEVERIDGE,
Washington, D. C.

DEAR SIR: Having had one year's residence in Oklahoma, I have had an opportunity to study some of the wants and needs of her people, and I am thoroughly convinced that at least 90 per cent of all the thinking people are unequivocally for single statehood (Oklahoma and Indian Territory as one); that those opposing this measure very largely represent selfish interests.

I further believe that the leading business men care so little for the permanent location of the capital that this city will never enter into a scrimmage to secure same.

The people here are with you in this contest, and I beg to add my humble indorsement.

Very truly, yours, R. R. FULLER.

INDIAN TERRITORY BANKERS' ASSOCIATION,
PRESIDENT'S OFFICE,
Purcell, Ind. T., December 12, 1902.

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.

DEAR SIR: Please accept these few lines on the statehood question. In that vast tract of land lying between the Mississippi River and the Rocky Mountains there is a line running from the Gulf of Mexico to the northern boundary of the United States which divides the good land from the bad, the fertile from the arid. That line runs about along the ninety-eighth meridian and passes through the center of Texas, through the eastern part of Oklahoma, through the central part of Kansas and Nebraska, and through the eastern part of the Dakotas. West of that line the land is arid, and east of it lies the fertile land. We find the States of Iowa, Missouri, eastern Kansas, eastern Nebraska, the eastern part of the Dakotas, eastern Texas, and the entire Indian Territory east of that line. West of it we find the desert land of Texas, the barren lands of Kansas and Nebraska and the Dakotas and fully three-fourths of Oklahoma.

The eastern half of that tier of States is better than the western half in every instance, and in the eastern half will be found the bulk of the population, the bulk of the wealth, the educational institutions, the commercial supremacy, the seat of political power, and the larger and more important cities. The same will be true of the State made out of Oklahoma and Indian Territory, and it would certainly be unfair and unjust to give Oklahoma statehood now and later on attach the Indian Territory with its greater population, greater wealth, etc., after Oklahoma had made the laws to suit herself and had appropriated all of the State institutions to her part of the State.

At present a large majority of the people of the Indian Territory favor one State, but the instant you give statehood to Oklahoma alone, that instant every man, woman, and child in the Indian Territory will favor making another State of the Indian Territory, and you could not blame them.

Please tell Senator QUAY that the people of the Indian Territory will pay their part of the State taxes and that they will also take care of their municipal and county taxes. Before the tribal governments are extinguished and almost by the time a State government could be established, if your bill passes now, the United States Government will literally dump into the Indian Territory about $50,000,000 in actual cash or United States Treasury checks. That is the money the Indians will receive from the sale of town lots and coal and other mineral lands, and the money now standing to the credit of the Five Civilized Tribes on the books of the United States Treasurer.

This $50,000,000 added to the immense personal property wealth of the Indian Territory would exceed the entire taxable property of Oklahoma. So you see we of the Indian Territory would be perfectly able to pay our part of the taxes.

It may surprise you to know that the Indian Territory has more national banks than a dozen or more of the old Eastern and Southern States.

Indian Territory has more banks than Arizona and New Mexico combined; in fact, has twice as many as those two Territories.

The Indian Territory has almost twice as much banking capital as Arizona and New Mexico combined, and she has very near twice as much in bank deposits as Arizona and New Mexico combined.

I know your time forbids, or I would like to give you more information in my way.

The friends of single statehood of the two Territories are willing to submit the single statehood question to a vote of the people of Oklahoma and Indian Territory.

With sincere hope that your bill will pass, and with personal thanks for the great effort you are making for right and reason, I beg to remain,

Respectfully,

W. M. TOMLIN.

KAW CITY, OKLA., *December 24, 1902.*

Hon. ALBERT J. BEVERIDGE,
Senate Chamber, Washington, D. C.

SIR: I regretted that I did not have a further opportunity to discuss Oklahoma matters with you while you were here, but my views were outlined in my report to the Secretary of the Interior about a year ago, which I assume you have probably read. Matters in reference to statehood and the Indian Territory are found on the last pages of that report.

I have had little question in my mind about what you and your committee would recommend in the premises; that is to say, so far as the general features of your recommendation are concerned. I believe that the conditions existing in Oklahoma and the Indian Territory suggest but one course when those conditions are understood, and that is that the two Territories be united in one State. I have been surprised that the omnibus statehood bill has received as much consideration as it has.

I have always believed that when Congress should come to seriously consider Oklahoma's admission to statehood they would find so many important questions peculiar to our condition that no law favoring statehood would be hastily passed, but that ample time for the fullest consideration of the whole question would be allowed.

In my report to the Secretary of the Interior, a little over a year ago, made when I was governor of the Territory, I called attention to some of the conditions existing in the Indian Territory, assuming that Congress would deem it wise to defer statehood until these conditions had been rectified and that Territory prepared for statehood with Oklahoma. The suggestions I then made are as pertinent as ever, except where they may have been or may be modified to meet legislation enacted since they were made.

The people of Oklahoma feel they are entitled to statehood, and our social and political conditions are known to be such as to recommend us to Congress. Our geographical area I have always considered an insurmountable barrier.

I presume it would be impossible for Congress to frame a bill, now or at any future session, satisfactory to the people of both Territories. Many western Oklahoma people oppose statehood in union with the Indian Territory. Their opposition has a selfish basis as they consider that in case of such a union their chances for public institutions and offices would be thereby lessened. Some of the people in the Indian Territory object to union from similar motives.

But there is one objection urged by some Oklahoma people against single statehood which has some real merit, and that is that in the Indian Territory sections 16 and 36 have not been set aside for school purposes, and that we are asked to take in that Territory stripped of that endowment. I think this is one of the most important questions with which Congress has to deal, and it should be met in a practical, businesslike way, and that these sections should yet be set aside by Congress for common-school maintenance, and where they are occupied by Indians as homesteads other lands should be given the holders, the Indians being paid for them by Congress at an appraised value as a basis for allotments.

The lawyer who only gives a technical opinion will no doubt say that this would conflict with treaty stipulatons, and that it can not be done, but I believe that these are matters of such grave importance this should be done, and that Congress can and will find a way to do it without violating the rights of the Indians in any manner.

Oklahoma was originally opened under an amendment tacked on to the Indian appropriation bill in the House, which was incomplete, and as a result our people came in and took possession of the land and lived on it without any civil government for more than a year. The Cherokee Outlet was opened for settlement in the same way, after bills had been reported by the committee and discussed on the floor and failed to pass, the general features of which were afterwards tacked on to the appropriation bill as an amendment in the closing hours of the session.

But the fact that this important legislation was passed in this manner, however, has not prevented Oklahoma from making unparalleled progress and demonstrating the error of judgment expressed by members of Congress who opposed the opening for the reason that Indian titles were not extinguished, and that the conditions were not yet ready to allow the country to be thrown open to settlement.

I think that the conditions in the Indian Territory which are urged as objections to statehood can be corrected under statehood better than under any other conditions, but the longer the present conditions are allowed to exist the more difficult it will be to recover from their influences. The Indian Territory at this time is not organized into municipalities and is not prepared to participate in a constitutional convention. I do not think it would be inconsistent to admit Oklahoma as a State comprising the exterior boundaries of the old Indian Territory, and authorizing the organized counties and precincts to send delegates to a constitutional convention. Many people living in the reservations of the Five Tribes would be unable to participate in this convention. This would be the case with several thousand white residents in the Osage, Ponca, and Otoe reservations in Oklahoma as well.

I believe that if Congress pass an enabling act authorizing the organized counties to meet and prepare a constitution, report it to Congress and make provision for the dedication of sections 16 and 36 in the Indian Territory to school purposes, that by the time the constitution is prepared and ready to be reported to Congress there will be very little dissatisfaction or objection in either Territory.

Very truly, yours, WM. M. JENKINS.

WAGONER, IND. T., *January 3, 1903.*

Senator KNUTE NELSON, *Washington, D. C.*

DEAR SIR: I herewith hand you a copy of resolutions adopted by our citizens to-night in mass convention. You have the people of Indian Territory almost solidly with you in your effort to pass the substitute statehood bill which you introduced in the Senate. If this Congress gives Oklahoma and Indian Territory statehood it is my opinion that it will be a Republican State for several years at least.

The convention that passed these resolutions elected delegates to attend the single statehood convention of the twin Territories to meet in Oklahoma City, Tuesday, January 6, of which you will hear more.

On behalf of our city and the people of Indian Territory, I most heartily thank you for your fight for us.

Sincerely, yours, C. E. CASTLE.

Single statehood resolutions adopted by citizens of Wagoner January 3, 1903.

Whereas Oklahoma and Indian Territory combined have the wealth, the area, and the population to entitle their people to the benefits of statehood, they excelling in the first and last named qualifications any Territory heretofore seeking admission as a State in the American Union;

Whereas the natural resources of the two, the "twin Territories," are allied and supplementary to each other, and are abundantly sufficient to support now and forever a Commonwealth of first rank in the sisterhood of States;

Whereas the immediate admission of the twin Territories as a single State is provided in the substitute statehood bill now pending in the United States Senate, said bill appearing to us to be just and fair to the people of both Territories in that it provides for their admission together on absolute equality with each other and that at once: Therefore, be it

Resolved, That we, the people of Wagoner, Ind. T., in mass convention assembled, do hereby indorse said single statehood bill, and in hope of relief recommend its early passage by Congress.

Be it further resolved, That it is the sense of this mass-meeting of citizens

that the public and private interests of the people of Indian Territory will be best subserved by our immediate union with Oklahoma in State or Territorial government.

Resolved further, That we most heartily thank Senators Beveridge, Nelson, and all others who are supporting said bill for the relief of the half million American citizens of Indian Territory, who, in all respects, are capable of self-government, for which we most earnestly pray in union with Oklahoma.

Respectfully submitted.

H. F. JONES,
Chairman Committee on Resolutions.
FRED PARKINSON,
Chairman of Convention.
C. E. CASTLE,
Secretary.

Mr. NELSON. Mr. President, there came to consult me a short time before the holiday recess a prominent gentleman of the Indian Territory, a clergyman, the Rev. A. Grant Evans, president of the Henry Kendall College, of Muscogee, Ind. T., and moderator of the Synod of the Indian Territory, which includes all the churches of the Presbyterian Church in Oklahoma and Indian Territory. He went to the Indian Territory first in 1884 and was engaged in educational work until 1889, and he has been president of the Henry Kendall College since 1898. He came to consult me in reference to uniting Oklahoma and Indian Territory in one State. He is very much in favor of it. He gave me valuable facts. I asked him to reduce them to writing, which he kindly did, and I ask to have the same read as a part of my remarks.

The Secretary read as follows:

AREA AND POPULATION OF OKLAHOMA AND INDIAN TERRITORY.

The Indian Territory contains 19,776,286 acres, or about 31,000 square miles. The Territory of Oklahoma contains 39,000 square miles, so that the State made by the union of these two Territories would contain, in round numbers, 70,000 square miles. This would make it about equal in area to either Missouri or North Dakota. In size it would be the fifteenth State of the Union, and would be as large as the whole of New England, with the State of New Jersey added. It would have a much smaller proportion of arid and otherwise unproductive land than the majority of the great States of the West, so that in area of lands capable of being made immediately productive it would rank much higher than fifteenth in the list of States. It has an almost ideal diversification of surface and an unsurpassed climate. While the agricultural wealth of Oklahoma is immense, it is deficient in mineral resources. The Indian Territory not only well supplies this deficiency with its vast coal fields, but is also very rich agriculturally, besides having considerable wealth in timber. The climatic conditions are such that the characteristic crops of the North and the South can both be raised advantageously.

With reference to the mineral wealth of the Indian Territory, according to the report of the Indian agent for the Five Civilized Tribes for the fiscal year ending June 30, 1902, there were produced in that year approximately 2,800,000 tons of coal. The development of the coal fields has only begun. About 500,000 acres are being segregated as coal lands, and will not be allotted, but sold for the benefit of the tribes. The Government surveyors estimate that there are not less than 1,000,000,000 feet of soft lumber, principally Norway pine, and there is much very valuable hard wood timber. The agent also reports for the year ending June 30, 1902, the following agricultural products for the Indian Territory alone:

Wheat, corn, and oats	bushels..	4,500,000
Vegetables	do....	4,000,000
Cotton	bales..	60,000
Hay	tons..	75,000

The climate and soil are admirably adapted to fruit culture, and this will undoubtedly be a considerable source of wealth in the future. Raising quantities of raw materials and having vast supplies of fuel, there would seem to be every probability that the State thus formed would take advantage of its advantageous location, within easy reach of the Gulf ports, to develop considerable manufacturing importance. It has every natural advantage for this. The population of the two Territories, according to the census of 1900, is as follows: Oklahoma, 398,000, and Indian Territory, 392,000, making a total of 790,000. It is claimed on all hands that there has been an unprecedented increase in population in both Territories during the past two years.

A very conservative estimate of population of the two Territories is 1,000,000. If, combined, they come in as a State with this population, the new member of the Union would be more than twice as great in population as any State of the Union was at the time of its admission. It would rank as to population not lower than twenty-eighth, which is to say that only three-fifths of the States are at present larger than this new State would be. According to the census for 1900 the new State would also be very remarkable for the proportion of native-born Americans in it. Of the population of the Indian Territory in 1900, 98.76 per cent are reported as native Americans and only 1.24 per cent foreign born. Almost as remarkable a showing is made in Oklahoma; so that the two Territories united would make a thoroughly American State, fairly up to the average of the great Western States in area, with an ample population, and with such resources as would insure its taking very high rank among the States of the Union.

During the past year nine different lines of railroad have been under construction, and about 400 miles of new roads have been completed and put in operation.

THE POPULATION OF THE INDIAN TERRITORY WITH REFERENCE TO THE FITNESS OF THE PEOPLE FOR STATEHOOD.

Taking the figures of the last Census, with such particulars as to exact number of Indian citizens as may be gathered from the reports of the Dawes' Commission and the Indian Inspector, we find that of the 392,060 population about 85,000 are Indian citizens. This includes the freedmen who were given the privileges of citizenship by the treaties of 1866. Analyzing the figures a little more closely, we find the whole population made up as follows:

	Per cent.
Whites	76
Indians	16.77
Negro citizens	4.78
Other negroes	2.45
Total	100

It will thus be seen that over three-fourths of the entire population are white people, only a very insignificant proportion of whom are foreign born.

While the proportion of illiterates in the Indian Territory is unfortunately rather large, it is smaller than that of some of the States in proximity with it, and this condition is directly traceable to the anomalous conditions existing at present, and makes the strongest kind of argument for statehood, which would give these people the power, which they have been praying for, of establishing a public school system.

It has been stated that the large number of crimes reported in the Indian Territory indicate the unfitness of its people for statehood. In that connection it should be borne in mind that the Federal courts have to place upon their dockets and report a very large number of minor offenses which under any organized government would be disposed of in the lower courts. It should also be remembered that a very large number of the cases reported are of a crime peculiar to the Indian Territory, known as "introducing" or more fully "introducing intoxicating liquors." Deducting these from the whole number reported would make the showing for the Indian Territory not a bad one as compared with the States of the Union.

As far, however, as the charge that the Indian Territory has an exceptionally large proportion of criminals can be substantiated, the claim for statehood for these people is made stronger rather than weakened. A very large proportion of the criminals are very young men, and nothing is more largely responsible for the number of this class of criminals than the want of educational facilities, which the people are pleading for some means of remedying. But the highest proof of the law-abiding character of the overwhelming majority of the white people in the Indian Territory is found in the fact that they have borne themselves so patiently for so long a period under almost intolerable conditions. There is a tendency in some quarters to class all these people as tresspassers or intruders upon the lands of the Indians. There has always been a way for the Indian tribal governments, with the aid of Federal officials, to rid the Territory of real intruders, and, as a matter of fact, only a very few of the white people of the Indian Territory can with any propriety be said to belong to this class. As a rule they have come at the invitation of the Indians and in compliance with their laws to rent farms from them or to engage in business or practice some profession or occupation among them, always paying a tribal tax or license for the privilege of doing so.

The marvelously rich heritage which is being divided among the Indians to-day would have been utterly undeveloped and of comparatively small value had it not been for this class of people. So far from being regarded as trespassers, they are surely entitled to special consideration in the settlement of the future status of the country which they, under so many disadvantages, have brought to its present advanced state of development. For the land they have used they have paid to the individual Indian citizens good rent; as laborers they have rendered him valuable services; and in their professions they have been of unspeakable benefit to him. For him they have made an unexplored wilderness blossom into a land of abounding riches. Socially, their influence upon the Indians has been such that these tribes have become justly entitled to the proud distinction of being known as the Five Civilized Tribes. In addition to all this, these white people have contributed vast sums to the treasuries of the Indian tribes. For example, during the fiscal year ending June 30, 1902, the following sums were collected from these people by the Government officials and placed to the credit of the Indian tribal governments:

Merchandise and occupation tax	$11,967.20
Coal and asphalt royalties	255,462.13
Timber, stone, and gravel royalties	85,213.89
Hay royalty	7,422.31
Cattle and pasture tax	6,248.00
Total	356,313.53

Thus in actual taxes in the last fiscal year, ending June 30, 1902, these people have paid to the Indian governments the sum of $356,313.53. Not one cent of this amount is to be used for making roads, for providing schools for white children, or in any other way for the amelioration of the condition of the white people. The merchandise and occupation tax has been especially galling, but the white man has submitted to this taxation with the utmost patience. For years the laborers in the mines had to pay a monthly tax for the privilege of being allowed to do manual labor. Surely it says much for the law-abiding character of this people that they have submitted so patiently to this taxation, not only without representation, but also without any expectation that any part of the taxes paid will be used in any way to ameliorate their condition.

There can be no question that without the labor and enterprise of the white man not one of the coal mines in the Indian Territory, which in the past four years have paid $700,000 into the Indian treasuries, would have been opened. The half a million acres of coal lands which are to be sold for the benefit of the Indians and which will add a magnificent sum to the value of their estate would have been unexplored, and would have brought very little to them. But it is not only in values returned to individuals and in the payment of taxes that the white man has been benefiting the Indian. Nearly 200 towns have been surveyed and platted. The lots in these have been appraised and the occupiers of these lots are paying the Indian tribal governments for them. The work of appraisement is not yet completed and the report of the Indian inspector for the year ending June 30, 1902, only gives the figures for some of the towns in the Choctaw, Chickasaw, and Creek nations.

The appraised valuation for the towns where the work is complete is $2,207,423. When the appraisement is completed it will show an immense sum of money to be paid by the residents of the towns, who are nearly all white people, into the Indian treasuries. During the past year the Indian inspector reports having collected and placed to the credit of the Indian tribal governments for town lots the sum of $237,725.39. It is undoubtedly the white man's presence and enterprise that has given any substantial value to the lots in these towns, so that he is now paying to the Indian largely for the values which he himself has created. From the above figures it will be seen that in addition to what has been paid in rent and in other ways to the individual Indian citizens, the white men have contributed to the Indian treasuries during the last fiscal year in taxes and for town lots a total of about $300,000.

Thus, so far from being a lawless class of trespassers on the domain of the Indians, these people have certainly placed not only the Indians, but the whole nation, under some obligation to render them fair and equitable treatment. More in number than the entire population of Arizona and New Mexico, essentially American, manifesting a determined spirit of enterprise in the face of tremendous discouragements, law-abiding under circumstances calculated to try the patience of the best citizens, these people, gathered from every State in the Union and representing much of the most vigorous manhood and enterprise of all, have shown themselves to be preeminently the material of which great States have been built in the past, and which can be trusted to make great States to-day.

DANGER OF THE CONTINUANCE OF PRESENT ANOMALOUS CONDITIONS.

According to the last census there were 392,000 people in the Indian Territory, nearly 300,000 of whom are white American citizens. The development in the last two years has been tremendous, so that there are probably at least 400,000 people in the Indian Territory to-day who are not citizens of any of the Indian tribes. The omnibus bill leaves these people without any immediate relief and with a prospect suggested of being ultimately absorbed

piecemeal into a State now to be created, which has a population about equal to that of the Indian Territory, and which has not as great natural resources. It leaves the 400,000 people without any means for providing themselves with such essentials of American civilization as the public-school system. Being utterly unorganized, except as regards a judicial system, there is no way in which they are allowed to make public roads, to establish asylums for the insane and other helpless classes, and, above all, to establish schools for the education of their children.

Government officials estimate that there are at present in the Indian Territory 100,000 children of school age. A study of the provision made for these is fearfully suggestive. Under the Curtis Act and subsequent treaties with the Indian governments it was made possible for incorporated towns in the Indian Territory to tax themselves for the support of public schools. The report of the Government superintendent of schools for the year ending June 30, 1902, shows that 16 towns have taken advantage of this privilege. Various missionary boards have schools which have been doing excellent work, to which both white people and Indians are admitted. Each of the Indian tribes has its school system now under the oversight of Government officials. To some of the Indian day schools white children are admitted upon payment of a stipulated fee. A good many are shown to have attended, but a close examination of the reports shows that in the great majority of cases the attendance has been for so short a period that not much advantage could have been reaped.

The following table shows the entire educational provision as reported by the superintendent of schools for the year ending June 30, 1902:

	Whites.	Indians.	Negroes.	Total.
Private and mission schools	1,158	540	----------	1,698
Public schools	6,541	748	968	8,257
Indian schools	6,692	10,702	1,957	19,351
Total	14,391	11,990	2,925	29,306

The above figures give the total enrollment, which in a great number of cases is only for a very few weeks of the year. It is thus seen that out of an entire school population of 100,000 less than 30,000 have been enrolled in any kind of school, and for the remaining 70,000 no provision whatever is made, and there is at present no legal way of making it. A very serious aspect of this is the fact that under existing conditions the more intelligent class of people who are anxious to lease or rent Indian lands and make their homes in the Territory are discouraged from coming. The best settlers will not go where they can not get school advantages for their children. Thus the country is in danger of being left more and more for the illiterate, ignorant, and shiftless class of settlers. It seems a cruel mockery under these conditions to taunt these people with their illiteracy. The marvel is, under the circumstances, that the percentage is so low.

In the rural districts may be met the Indian children and the children of negro citizens of the tribes coming home from their schools, but for the white American citizens there is no school at all. A not uncommon incident in the towns is the visit of some sturdy and intelligent white farmer, who has to stoop to go round, hat in hand, begging the merchants and others for a contribution to help the white people in his neighborhood get a small building in which they can attempt to carry on a subscription school. Present conditions are such as to altogether discourage this class of citizens and drive them away, leaving the country for those who care for none of these things. If relief is not given, and that speedily, there is great danger that the problem in the Indian Territory may change from its present form of "How may the people be supplied with the schools for which they are begging?" to the far more difficult one of "How can the people be interested in schools and made willing to have them?"

THE EFFECT OF STATEHOOD ON THE INDIAN.

Tere is a vigorous claim made in some quarters that there should be no change in conditions in the Indian Territory until the final extinction of the Indian tribal governments on March 4, 1906, and that under old treaties the Indians should be given the first voice in deciding as to their future status. This claim can hardly be put forth seriously by those who are advocating an arrangement by which the Indian Territory may be absorbed piecemeal into another State in the making of the constitution and the founding of the institutions of which it has had no voice. When the Indian becomes a citizen of the United States, as he is to-day, he can claim no more than influence in direct proportion to his numbers. Surely it is not unprecedented or impracticable that in the organization of a State the new government should be bound to make no arrangements which would in any way interfere with the pledges given by the Federal Government. In any legitimate change of government the fulfillment of such pledges must always be considered essential.

A very small proportion of the Indian citizens need or expect any different treatment from that given white people. In many cases there is far more white than Indian blood in their viens. Only a very small minority speak the Indian languages and are unable to speak English. These are the full-bloods to whom every consideration of justice and humanity demands that we should accord the tenderest and most generous treatment. For them more than for any class it is imperative that there should be immediate relief from present conditions. In three years the Indian will have no longer the protection of the tribal or the Federal Government. He will have to stand or fall for himself. The worst and most cruel thing we can do for him is to maintain such conditions as will inevitably surround him with white neighbors and negroes belonging to the most shiftless, ignorant, and degraded classes, and the best thing we can do for him is to make such conditions that his neighbors will belong to the opposite classes, and his children be given the opportunity of learning the English language and American citizenship, where it can be most effectively taught, in the common school.

It is hard, almost impossible, to get any general or reliable expression of their desires from these people. There are plenty of white Indians who have become wealthy under existing conditions and are not anxious for a change, but for the masses of the poorer Indians, especially the full-bloods, no voice is competent to speak. Wisdom and justice can alone be our guide in deciding as to their destiny. Could anything more just be offered than that he should be given the right to his fair proportionate share of representation in the organizing of a great State in the Territory which was not so very long ago occupied entirely by Indian tribes, with the right of full citizenship in it? And could anything be more mercifully wise, in his behalf, than that steps should be taken without delay to enable that part of the State in which he has had and will have his home to be the abode of thrifty and intelligent citizens? The Indian citizens have carried on for over half a century governments republican in form; they are familiar with republican institutions. For whites and Indians alike it may be said that never has a State been admitted to this great Union whose citizens were better prepared for the duties and responsibilities involved in such admission than the people of this great Territory are now.

Mr. BEVERIDGE. Mr. President, with the permission——

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Senator from Minnesota has the floor.

Mr. NELSON. I yield to the Senator from Indiana.

Mr. BEVERIDGE. At this point of the Senator's very able speech, I desire, with his permission, to send to the desk and have read the following telegrams respecting the committee's substitute bill, expressing the opinion of the people affected as to this bill on the one hand and the omnibus bill on the other hand. I ask, with the permission of the Senator from Minnesota, that the telegrams be read.

The PRESIDING OFFICER. Is there objection to the reading of the telegrams? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

OKLAHOMA CITY, OKLA., *December 14, 1902.*

Hon. ALBERT J. BEVERIDGE,
Senate Committee on Territories, Washington, D. C.:

Every smokestack in Oklahoma is an argument in favor of immediate single statehood. We protest against establisment of any State boundary line between our furnaces and the nearest coal mines. We heartily indorse Nelson statehood bill.

G. G. SHOLBERG,
President Oklahoma Manufacturers' Association.

OKLAHOMA CITY, OKLA., *December 14, 1902.*

A. J. BEVERIDGE, *Washington, D. C.:*

The Oklahoma City Jobbers' Association unanimously passed the following resolution:

That with the trade conditions now existing we are in a prosperous condition and earnestly request that said conditions be not disturbed by giving us statehood for Oklahoma only; but if statehood is given, let it include the Indian and Oklahoma Territories.

LEE VAN WINKLE, *President.*
J. J. HARTNETT, *Secretary.*

LEXINGTON, OKLA., *December 11, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Urge the Nelson substitute for the omnibus statehood bill from a business standpoint. Fifty per cent of our citizens earnestly desire single statehood. The combined population, area, and products of the two Territories will make one magnificent Commonwealth.

R. T. MORRELEY, *Mayor,*
And City Council.

OKLAHOMA CITY, OKLA., *December 13, 1902.*

Hon. ALBERT J. BEVERIDGE,
Senate Committee on Territories, Washington, D. C.:

Mass meeting held here this evening adopted following resolution: We strennously urge the passage of the Nelson statehood bill, knowing that the present and future interests of Oklahoma and Indian Territories demand it, and prefer our present condition to statehood under terms of the omnibus bill.

D. C. LEWIS, *Chairman.*
W. M. HENRY, *Secretary.*

Mr. BEVERIDGE. I call attention to the fact that from Oklahoma itself comes in this telegram, not only an advocacy of the committee's substitute, but a protest against the proposition of the omnibus bill to admit Oklahoma as a State by itself. This confirms the opinion of the subcommittee that a very large and respectable number of weighty citizens of Oklahoma prefer their present Territorial condition, which is one of exceeding prosperity, unsurpassed by any section of the country, to what they conceive and what the committee conceives to be the great mistake of admitting it as a single Commonwealth. I think it worthy of note and that the attention of the Senate should be called to the fact that from Oklahoma itself comes in this telegram and others not only an indorsement of the committee's substitute, but a positive protest against the proposition contained in the so-called omnibus bill.

The Secretary resumed and continued the reading, as follows:

OKLAHOMA CITY, OKLA., *December 14, 1902.*

Hon. ALBERT J. BEVERIDGE, *Washington, D. C.:*

The wholesale and business interest of Oklahoma, almost without an exception, emphatically indorse your committee report.

ANTON H. CLASSEN,
President Metropolitan Railway.

LEXINGTON, OKLA., *December 12, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Cleveland County wants statehood for Oklahoma and Indian Territory.

WM. T. JAMES,
Representative to Legislature from Cleveland County.

SHAWNEE, OKLA., *December 6, 1902.*

CHAIRMAN SENATE COMMITTEE ON TERRITORIES,
Washington, D. C.:

A large majority of the Republicans of Pottawatomie County, as well as the interbusiness interest, strongly indorse the Nelson bill as the best and only method of statehood.

C. J. BENSON.

CHICKASHA, IND. T., *December 13, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Be it resolved by Chickasha Commercial Club of Chickasha, That amendment to omnibus statehood bill known as Beveridge substitute, now pending in Senate, is most appropriate provision for the settlement of political conditions in Oklahoma and Indian Territory that has ever been suggested, that the logical destiny of the two Territories is union in single State, and that best interests of all the people in both Territories will be best subserved by immediate action in that direction.

Be it further resolved, That this resolution be telegraphed to Senator BEVERIDGE on behalf of the club.

H. B. JOHNSON, *President.*
R. F. SCHOFFERN, *Secretary.*

PURCELL, IND. T., *December 13, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

Business interests of Territory urge the passage of the Nelson substitute of the omnibus statehood bill.

PURCELL MILL AND ELEVATOR CO.

ARDMORE, IND. T., *December 14, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

Admore Bar Association by discussion unanimously indorses immediate statehood Oklahoma and Indian Territory.

A. EDDLEMAN, *President.*

SAPULPA, IND. T., *December 14, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

In mass meeting unanimously indorse the Beveridge bill for single statehood. Resolutions follow by mail.

J. F. EAGAN, *Chairman.*

STILLWATER, OKLA., *December 17, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

The city council favors single statehood with the Indian Territory.

W. W. ABERCROMBIE, *Acting Mayor.*

VINITA, IND. T., *December 13, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

By all means give us statehood with Oklahoma now.

JOHN B. TURNER.

MILLCREEK, IND. T., *December 12, 1902.*

A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

Millcreek wishes to add her indorsement of Nelson bill.

R. H. McCARGO.

EUFAULA, IND. T., *December 11, 1902.*

Senator BEVERIDGE,
Care Capitol, Washington, D. C.:

The people of Eufaula heartily indorse the Oklahoma statehood bill now pending in the Senate, House roll No. 12543, as reported to the Senate by Senator NELSON on December 3, 1902.

EUFAULA COMMERCIAL CLUB.

VINITA, IND. T., *December 12, 1902.*

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

Bill of Senate subcommittee heartily indorsed here.

L. F. PARKER, JR., *Mayor.*

VINITA, IND. T., *December 12, 1902.*

Hon. A. J. BEVERIDGE, *Washington, D. C.:*

Your bill for single statehood heartily indorsed here.

J. P. BUTLER, *Postmaster.*

VINITA, IND. T., *December 12, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

After careful study of condition here, citizens indorse your bill for single statehood.

EDWIN LONG,
Chairman Cherokee Town Site Commission.

PAULS VALLEY, IND. T., *December 8, 1902.*

ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.:

Pauls Valley Commercial Club unanimously indorse your statehood bill and bid you godspeed in your good work.

J. B. THOMPSON, *President.*

VINITA, IND. T., *December 12, 1902.*

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

Single statehood for Indian and Oklahoma Territories commands support of leading citizens, politicians alone fighting it.

L. F. PARKER, JR.,
Secretary Commercial Club.

BARTLESVILLE, IND. T., *December 13, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Your bill providing single statehood Oklahoma and Indian Territories meets our approval. Push it.

F. M. OVERLEES,
President Bartlesville Commercial Club.
FRED McDANIEL,
Lawyer.

PURCELL, IND. T., *December 12, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Business and social interests Oklahoma and Indian Territories demand passage of Nelson bill.

WM. TOMLIN,
President Indian Territory Bankers' Association.

PURCELL, IND. T., *December 11, 1902.*

HON. A. J. BEVERIDGE,
United States Senate, Washington D. C.:

Three thousand people, residents here, all United States citizens, Indian Territory, white and black, indorse the report of your committee and by resolution demand that Congress immediately admit Oklahoma and Indian Territory on terms of absolute equality. On behalf of the religious, social, and commercial interests, and on behalf of 100,000 little children in the Indian Territory now and for years deprived of the benefits of public schools, we urge that you continue the battle for justice in our behalf.

J. F. SHARP, *Mayor.*
W. G. BLACHARD,
President Commercial Club.

HOLDENVILLE, IND. T., *December 13, 1902.*

Senator A. J. BEVERIDGE,
Washington, D. C.:

We, the undersigned business men and citizens of Holdenville, representing the social and industrial interests of our whole people, request you to work for the adoption of your substitute statehood bill, providing for one grand State out of the Territory of Oklahoma and Indian Territory, and we cordially indorse and commend your work so far.

J. A. Kieff, D. N. Kelker, J. W. Clawson, M. M. Smith, J. C. Johnson, A. W. Scott, E. E. Parnell, J. G. Manchester, L. G. Pitman, W. P. Langston, H. H. Schaff, W. M. Eubanks, I. A. Russell, Lloyd Thomas.

WYNNEWOOD, IND. T., *December 11, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

We, the people of Wynnewood, in mass meeting assembled, believing as we do that we, as residents, being on the ground, know our needs far better than those who never dwelt among us, without respect to party or politics, but with the candor of freemen, say that—

Resolved, It is the sense of the 4,000 citizens of Wynnewood and community that the Indian Territory should be united with Oklahoma into one State and that it should be done at once, and we beg Congress to vote accordingly.

Resolved further, That we indorse the proceedings of the Claremore convention and the Nelson bill now pending in Congress.

J. A. TAYLOR, *President.*
R. McMILLAN, *Secretary.*

VINITA, IND. T., *December 12, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

I heartily indorse your bill for single statehood of two Territories. Believe it to be best for all classes in Indian Territory.

WM. T. HUTCHINGS.

Mr. BEVERIDGE. Mr. President, the Claremore convention, referred to in the telegram which was read before the last one, was a convention held during the summer, I think, at Claremore, Ind. T., very largely represented, and, as I am informed, although I speak now only from recollection and on information, it contained representatives not only from the white citizens of Indian Territory, but also from the Indian nations.

There is another point with reference to these telegrams to which I would direct the attention of the Senate, and ask their patience while doing it. When a telegram is dated Muscogee, Vinita, or South McAlester, or any place else in the Indian Territory, it must not be considered, as is by too many done, that it is simply from some little collection of tepees, or a small village, or something of that kind. I know that opinion prevails, and largely so, because a general and vague impression has gone abroad throughout the land, and I find it crystallized even here in this well-informed body, that the Indian Territory is inhabited by nothing but Indians, and therefore towns as we know towns in the East or Central West or any place else where they exist do not exist there.

On the contrary, towns exist in the Indian Territory which would be a credit to any State. South McAlester, Muscogee, Vinita, and a large number of other towns have electric lights, they have railroads, they have broad streets, they have stores that do a very large business, and they have schools which are supported by the subscription of citizens in the absence of any school law enabling them to have the ordinary public schools. In other words, the communities in the Indian Territory from which these telegrams come are creditable communities, even when they are compared to communities in the older States, and they are made up of energetic, law-abiding, and conservative citizens.

I thought it was well to call attention to this fact, although it may weary the patience of the Senate, because, as I stated yesterday, it has gone abroad and has appeared, even with the editorial sanction of very creditable and usually accurate newspapers, that the Indian Territory is merely a tract inhabited by a large number of Indians. Therefore I called attention yesterday to the quality of the inhabitants of that Territory, and I emphasize it to-day by calling attention to the character and quality of these towns, so that it may be clear to every Senator, as well as to the

country, that the proposition to incorporate the Indian Territory with Oklahoma is not at all an unreasonable proposition and does not include the idea of bringing into citizenship a large number of Indians not familiar with our institutions and persons who have lived there without the development of their Territory.

Now, Mr. President, I send to the desk, with the permission of the Senator from Minnesota, and ask to have read the following petitions, which are directly upon the point now being discussed by the Senator from Minnesota. I would be glad if the Secretary would read, for the information of the Senate, not only the resolutions, but the names of those who signed the petitions, because the names are given, and their occupation. It therefore becomes a matter of consequence that the quality of the petitioners should go before the Senate.

The PRESIDENT pro tempore. The names can only go into the RECORD by unanimous consent.

Mr. BEVERIDGE. Then I ask unanimous consent.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the names signed to the petitions may be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The Secretary read as follows:

To the Committee on Territories, United States Senate,
Washington, D. C., Hon. A. J. Beveridge, Chairman:

We, the undersigned business men, citizens, and voters of Oklahoma City, Oklahoma County, and Territory of Oklahoma (irrespective of politics), heartily indorse the action and report of your committee to Congress in relation to the single statehood bill. Recognizing the importance of statehood, we insist that it would be to the best interests of all the citizens of Oklahoma Territory and Indian Territory that said Territories be made one State, and we earnestly request that your committee will continue to use your best endeavors to that end, and use all honorable means in securing single statehood for said Territories.

Lewis & Snyder (D. C. Lewis, W. K. Snyder), lawyers; W. M. Smith, real estate; A. H. Price, insurance; C. T. Bennett, lawyer; J. P. Johns, real estate; J. H. Marshall, minister; R. D. Hall, W. C. Brissey (Brissey & Hall), abstracters; E. W. Witten, M. D.; F. E. Patterson, H. W. Robare (F. E. Patterson & Co.) wholesale and retail cigars; Jno. J. Shaw, traveling salesman; Theodore J. Thompson, attorney at law; E. W. Barnes, salesman; J. W. Moon, merchant; A. Brown, hotel; F. W. Jones, farmer; W. L. Clark, typewriters; A. M. Farline, insurance; Dalbert Simpson, architect; H. C. Bower, traveling salesman; Frank Emitt; Ed. Etter, clerk; J. M. Spinning; W. H. French, well driller; W. B. Shaw; E. W. Caperton, wall paper and paint; H. A. Severin, banker; W. P. Elwick, assistant cashier, bank; Howard N. Foss, bookkeeper, Eastland Bros.; A. H. Loveless, clerk, Eastland Bros.; D. H. Boyd; A. L. Griffith, clerk, Eastland Bros.; C. F. Elwick, cashier, The Bank Oklahoma City; J. A. Ryan, physician; G. C. Eldridge, Compton Hotel; W. H. Cogshall, real estate, mining land.

H. S. Garland, real estate; J. H. Barry, real estate dealer; C. M. Roush, contractor; R. P. Walker, druggist; W. B. Scott, farmer; James N. Lindsay, contractor; Fred I. Murdock, real estate; A. A. Grimes, real estate; J. T. Brent, farmer; J. W. McDonnell, farmer; T. S. Wilson, farmer; T. J. Hendrickson, real estate; J. J. Baumann, real estate; J. W. Morris, jewelry; Cowan Amburgy, farmer; E. C. Trueblood, merchant; L. J. Growmy; Frank Murrin, salesman; W. W. Braswell, lawyer; O. J. Davis, salesman; John R. Rose, Y. M. C. A. secretary.

Jos. Knight, carpenter; R. A. Kleinschmidt, attorney; J. O. Edwards, farmer; A. R. Ponton, Pawnee; J. W. Perry, Pawnee; H. Rexroad, painter; L. W. Rady, horseshoer; A. J. Stoll, general merchandise; A. W. Garrett, trunkmaker; F. W. Harris, machinist; J. J. Williams, carpenter; H. H. Shultz, expressman; W. W. Nichols, carpenter; Geo. W. Elerich, baker; E. W. Putnam, student University of Oklahoma; J. O. Mattison, State agent insurance; W. H. Phillips, real estate broker; C. G. Legaré, agent insurance; I. M. Putnam, attorney; G. F. Givens, farmer.

Sam Hooker, attorney; A. O. Gregory, M. D.; Fred Wehmhoener, contractor; Wm. F. Heyler, real estate; Dr. H. R. Dean, by referendum; T. F. Donnell, general contractor; Watt Sleeth, Thompson Piano Company; G. F. Young; F. A. Nulk; G. C. McCutcheon; R. F. Schaefer, M. D.; Frank E. Witousek, farm loans; J. P. Smith, dry goods; W. R. Wood, dry goods; Joseph Rousek; Thomas Acton; A. W. Roberts, farmer; Chas. Risdon, electrician; M. R. Lee, farmer; S. A. Goodrich, merchant; Oklahoma Sporting Goods Company, per R. P. P.; L. Woodworth, bicycle repairing.

Geo. Shaffer; V. Levy, merchant; Clyde Fowler; C. W. Routh; S. R. Maxwell; A. B. Owens, merchant; Carl H. Uled, M. D.; H. E. Shull, brick mason; J. T. Caney, real estate; J. L. Miller, real estate; F. D. Kebby, hardware clerk; G. W. Patrick, M. D.; F. L. Conger, Oklahoma City Insurance Company; Geo. P. Bunker, pickle and vinegar manufacturer; James Marrinan, wholesale liquors; Wm. P. Conger, traveling man, Mosler Safe Company; E. S. Dyer, deputy sheriff; Wm. Runge, Oklahoma City; A. McKinley, building contractor; J. W. Hawk, architect; John Marrinan, clerk;

U. G. Galbraith, barber; T. A. Taylor, barber; W. W. Small, barber; W. L. Bradford, traveling salesman; Model Drug and Jewelry Company; A. J. Kirkpatrick, drugs; J. L. Fraser, drugs; Thos. Roach, drugs; C. E. Tibbetts, conductor; A. F. Fricke, jeweler; H. J. Gallagher, contractor; W. C. Reeves, attorney; Ernest L. Green, attorney; C. J. Tuohy, wholesale grocer; B. F. Gay, wholesale grocer; Abe Levy, merchant; J. Hering, merchant; J. E. Parker, real estate; A. R. Parker; J. B. Harrell, manager Mutual Reserve Life Company, New York; J. A. Matthews; manager the Fair Department Store; J. W. Webb, attorney at law, Oklahoma City; S. J. Henson, attorney at law, Oklahoma City.

Marshall Fulton, attorney, Oklahoma City (am in favor of single statehood as a business proposition, but statehood at any hazard, single or double); G. A. Paul, attorney; S. A. McGinnis, attorney; E. K. Shelton; L. F. Williams, real estate; J. W. Cropy, M. D.; Riley Blevins, farmer, Indian Territory; T. M. Granger; D. S. P. Watson; Wm. Blevins, farmer; J. C. Gillogly, real estate; Wm. Kuenkel, liquor dealer; A. W. Whitson, farmer; Geo. Gribon, plasterer; J. P. Martin, lumber dealer; J. G. S. Watson, real estate.

The PRESIDENT pro tempore. The Chair will state to the Senator from Indiana that the other paper sent to the desk by him, which is similar to the one just read, and which contains the names of a large number of signers, does not give their occupations.

Mr. BEVERIDGE. If the occupations of the signers to that petition are not given I do not care to have it read. I believe there are a larger number of signatures to this petition than there were to the other. I desired that the names on the first petition might be read merely to show the scope and variety of the occupations of the people in Oklahoma who ask for single statehood—that is, statehood made up of both the Indian Territory and the Territory of Oklahoma—showing that they involve every class of profession and occupation. For that reason, since in the second petition the occupations and professions of the signers are not given, I shall not ask that those signatures be read.

But, Mr. President, I call attention to the fact, in view of the remarkable convention held the day before yesterday in Oklahoma City, attended by 2,000 delegates—not mere fillers of the gallery or of room in a convention, but 2,000 delegates from all over Oklahoma and the Indian Territory, that they represented, as shown by these petitions, every class, kind, and quality of occupation which has gone to build up Oklahoma to its present prosperity and erect its remarkable cities.

I have no doubt that the Senate has noticed—I wrote down a few as they were being read off—that these petitioners include brick masons, traveling salesmen, horseshoers, merchants, farmers, liquor dealers, ministers, secretaries of Young Men's Christian Associations, wholesalers, and every part of the community, except those elements of society who, ordinarily hostile, are united upon this proposition. I was very much struck by the conjunction of the signature of a liquor dealer and that of a minister, because these are always at war; and yet, Mr. President, people who never can be reconciled upon any other proposition are brought to union by this one; and I think it is a matter of moment and consequence, showing the universality of this sentiment among the people who with their children will be interested in the outcome of this legislation, as to the importance of the committee's substitute.

I had not intended to comment upon these petitions; but as I heard those occupations read the singularity of the things to which I have called the Senate's attention struck me with such force that I felt impelled to make these few remarks. I thank the Senator from Minnesota very much for permitting me to interrupt his remarks to this length.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 14, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1903.

COLLECTOR OF CUSTOMS.

Edwin Baker, of Arizona, to be collector of customs for the district of Arizona, in the Territory of Arizona, in place of Frank L. Doan, deceased.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee. (Reappointment.)

UNITED STATES ATTORNEY.

Timothy F. Burke, of Wyoming, to be United States attorney for the district of Wyoming. A reappointment, his term having expired September 21, 1902.

MARSHAL.

Frank A. Hadsell, of Wyoming, to be United States marshal for the district of Wyoming. A reappointment, his term having expired September 21, 1902.

POSTMASTERS.

ALABAMA.

Walter S. Standifer, to be postmaster at Gadsden, in the county of Etowah and State of Alabama, in place of Thomas H. Stephens. Incumbent's commission expired December 20, 1902.

Robert T. West, to be postmaster at Roanoke, in the county of Randolph and State of Alabama. Office became Presidential January 1, 1903.

CALIFORNIA.

John H. Gregory, to be postmaster at Rocklin, in the county of Placer and State of California. Office became Presidential January 1, 1903.

CONNECTICUT.

Aaron S. Chapman, to be postmaster at Simsbury, in the county of Hartford and State of Connecticut. Office became Presidential January 1, 1903.

ILLINOIS.

Fred R. Brill, to be postmaster at Hampshire, in the county of Kane and State of Illinois. Office became Presidential January 1, 1903.

Charles W. Vedder, to be postmaster at North Chicago, in the county of Lake and State of Illinois. Office became Presidential January 1, 1903.

IOWA.

Henry Barnes, to be postmaster at Elliott, in the county of Montgomery and State of Iowa. Office became Presidential January 1, 1903.

Charles C. Burgess, to be postmaster at Cresco, in the county of Howard and State of Iowa, in place of Arthur D. Patterson. Incumbent's commission expired May 29, 1901.

Henry C. Hill, to be postmaster at Milton, in the county of Van Buren and State of Iowa. Office became Presidential January 1, 1903.

J. Ken Mathews, to be postmaster at Mediapolis, in the county of Des Moines and State of Iowa. Office became Presidential January 1, 1903.

Henry T. Swope, to be postmaster at Clearfield, in the county of Taylor and State of Iowa. Office became Presidential January 1, 1903.

KANSAS.

James J. Evans, to be postmaster at Hartford, in the county of Lyon and State of Kansas. Office became Presidential January 1, 1903.

John Gilman, to be postmaster at Madison, in the county of Greenwood and State of Kansas. Office became Presidential January 1, 1903.

Jacob D. Hirschler, to be postmaster at Hillsboro, in the county of Marion and State of Kansas. Office became Presidential January 1, 1903.

KENTUCKY.

James W. Thomason, to be postmaster at Uniontown, in the county of Union and State of Kentucky. Office became Presidential January 1, 1903.

Woodbury Tinsley, to be postmaster at Hartford, in the county of Ohio and State of Kentucky. Office became Presidential January 1, 1903.

MASSACHUSETTS.

Edward B. Sherman, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts, in place of Henry A. Talbot, deceased.

MICHIGAN.

Robert B. Ferris, to be postmaster at Burr Oak, in the county of St. Joseph and State of Michigan. Office became Presidential January 1, 1903.

Lafayette C. Hall, to be postmaster at Plymouth, in the county of Wayne and State of Michigan, in place of Lafayette C. Hall. Incumbent's commission expired March 22, 1902.

James K. Train, to be postmaster at Edmore, in the county of Montcalm and State of Michigan. Office became Presidential January 1, 1903.

NEBRASKA.

Valentine Zink, to be postmaster at Sterling, in the county of Johnson and State of Nebraska. Office became Presidential January 1, 1903.

NEW YORK.

Howard G. Britting, to be postmaster at Williamsville, in the county of Erie and State of New York. Office became Presidential January 1, 1903.

Herbert J. Curtis, to be postmaster at Red Hook, in the county of Dutchess and State of New York, in place of Herbert J. Curtis. Incumbent's commission expires January 13, 1903.

Mary L. McRoberts, to be postmaster at Tompkinsville, in the county of Richmond and State of New York, in place of Mary L. McRoberts. Incumbent's commission expires February 10, 1903.

Henry J. Pinneo, to be postmaster at Prattsburg, in the county of Steuben and State of New York, in place of Henry J. Pinneo. Incumbent's commission expires January 28, 1903.

Charles F. Shelland, to be postmaster at Oneonta, in the county of Otsego and State of New York, in place of Charles F. Shelland. Incumbent's commission expires January 13, 1903.

NORTH DAKOTA.

Ole Roland, to be postmaster at Bottineau, in the county of Bottineau and State of North Dakota, in place of Henry C. Dana, removed.

OHIO.

John A. Lowrie, to be postmaster at Seville, in the county of Medina and State of Ohio. Office became Presidential January 1, 1903.

Joel P. De Wolfe, to be postmaster at Fostoria, in the county of Seneca and State of Ohio, in place of Joel P. De Wolfe. Incumbent's commission expires January 24, 1903.

OREGON.

John M. Parry, to be postmaster at Moro, in the county of Sherman and State of Oregon. Office became Presidential January 1, 1903.

TENNESSEE.

Evan T. Warner, to be postmaster at Lafollette, in the county of Campbell and State of Tennesse. Office became Presidential January 1, 1903.

UTAH.

Grant Simons, to be postmaster at Payson, in the county of Utah and State of Utah. Office became Presidential July 1, 1902.

VERMONT.

Frank T. Taylor, to be postmaster at Hardwick, in the county of Caledonia and State of Vermont, in place of Frank T. Taylor. Incumbent's commission expired January 10, 1903.

VIRGINIA.

Charles A. McKinney, to be postmaster at Cape Charles, in the county of Northampton and State of Virginia, in place of Charles A. McKinney. Incumbent's commission expires January 17, 1903.

WISCONSIN.

George W. Smith, to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin, in place of George W. Smith. Incumbent's commission expired January 10, 1903.

Frank L. Wilcox, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin, in place of Jarvis White. Incumbent's commission expires February 13, 1903.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Second Lieut. Rudolph E. Smyser, Fourteenth Cavalry, to be first lieutenant, November 22, 1902, vice Kelly, Fourth Cavalry, promoted.

Second Lieut. Joseph C. Righter, jr., Eighth Cavalry, to be first lieutenant, December 8, 1902, vice Summerlin, Fourth Cavalry, promoted.

ASSISTANT SURGEON IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Holcombe McG. Robertson, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. This nomination is made to correct an error in the nomination of Mr. Robertson on December 8, 1902, wherein he was nominated as Holcombe McRobertson and confirmed under that name by the Senate on the 6th of January, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 13, 1903.

JUDGE OF THE COURT OF CLAIMS.

Francis M. Wright, of Illinois, to be judge of the Court of Claims.

APPOINTMENTS IN THE ARMY.

Judge-Advocate-General's Department.

Capt. Louis B. Lawton, Twenty-sixth Infantry, to be judge-advocate with rank of major, January 5, 1903.

General officer.

Lieut. Col. John A. Johnston, assistant adjutant-general, to be brigadier-general, January 6, 1903.

PROMOTIONS IN THE ARMY.

Judge-Advocate-General's Department.

Maj. Harvey C. Carbaugh, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, December 18, 1902.

Artillery Corps.

1. Lieut. Col. William P. Vose, Artillery Corps, to be colonel, December 20, 1902.

2. Maj. Walter Howe, Artillery Corps, to be lieutenant-colonel, December 20, 1902.

3. Capt. Adam Slaker, Artillery Corps, to be major, December 20, 1902.

Infantry Arm.

6. Capt. Walter A. Thurston, Sixteenth Infantry, to be major, December 29, 1902.

POSTMASTERS.

IDAHO.

Robert H. Barton, to be postmaster at Moscow, in the county of Latah and State of Idaho.

Orville J. Butler, to be postmaster at Harrison, in the county of Kootenai and State of Idaho.

MINNESOTA.

John Chermak, to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota.

Ernest P. Le Masurier, to be postmaster at Hallock, in the county of Kittson and State of Minnesota.

Benjamin A. Shaver, to be postmaster at Kasson, in the county of Dodge and State of Minnesota.

Charles R. Frazee, to be postmaster at Pelican Rapids, in the county of Ottertail and State of Minnesota.

A. J. Gebhard, to be postmaster at Lamberton, in the county of Redwood and State of Minnesota.

Harry C. Sargent, to be postmaster at Osakis, in the county of Douglas and State of Minnesota.

William Peterson, to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota.

Walter L. Bucksen, to be postmaster at Blooming Prairie, in the county of Steele and State of Minnesota.

John Lohn, to be postmaster at Fosston, in the county of Polk and State of Minnesota.

Emma F. Marshall, to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota.

Charles A. Birch, to be postmaster at Willmar, in the county of Kandiyohi and State of Minnesota.

MISSOURI.

John L. Schmitz, to be postmaster at Chillicothe, in the county of Livingston and State of Missouri.

James Taylor, to be postmaster at Fayette, in the county of Howard and State of Missouri.

Albert A. Marshall, to be postmaster at Glasgow, in the county of Howard and State of Missouri.

Leo W. McDavitt, to be postmaster at La Plata, in the county of Macon and State of Missouri.

NEBRASKA.

John A. Anderson, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska.

NORTH CAROLINA.

Columbus F. Blalock, to be postmaster at Hickory, in the county of Catawba and State of North Carolina.

General W. Crawford, to be postmaster at Marion, in the county of McDowell and State of North Carolina.

OHIO.

James Medford, to be postmaster Brookville, in the county of Montgomery and State of Ohio.

John M. Gallagher, to be postmaster at Quaker City, in the county of Guernsey and State of Ohio.

J. W. Prine, to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio.

Erwin G. Chamberlin, to be postmaster at Caldwell, in the county of Noble and State of Ohio.

OKLAHOMA.

William W. McCullough, to be postmaster at Billings, in the county of Noble and Territory of Oklahoma.

George E. McKinnis, to be postmaster at Shawnee, in the county of Pottawatomie and Territory of Oklahoma.

OREGON.

Fred. A. Bancroft, to be postmaster at Portland, in the county of Multnomah and State of Oregon.

SOUTH DAKOTA.

James A. Stewart, to be postmaster at Edgemont, in the county of Fall River and State of South Dakota.

John A. Bushfield, to be postmaster at Miller, in the county of Hand and State of South Dakota.

WYOMING.

Edwin S. Drury, to be postmaster at Encampment, in the county of Carbon and State of Wyoming.

John W. Chrisman, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 13, 1903.*

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELECTION OF DELEGATE FROM THE TERRITORY OF ALASKA.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The resolution was read, as follows:

House resolution No. 375.

Resolved, That the motion to go into Committee of the Whole House on the state of the Union to consider the bill (H. R. 9865) for the election of a Delegate from the Territory of Alaska, etc., shall be in order immediately after the reading of the Journal on Wednesday, January 21, and thereafter until the said bill shall have been disposed of, this order not to conflict with appropriation bills, conference reports, or prior order of the House.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

AMENDMENT OF PUBLIC PRINTING ACT.

The SPEAKER laid before the House the bill (S. 2296) to amend "An act approved March 2, 1895, relating to public printing," with a Senate amendment to a House amendment, which was read.

Mr. HEATWOLE. Mr. Speaker, I move to disagree with the Senate amendment to the amendment of the House and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. HEATWOLE, Mr. BOREING, and Mr. TATE.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of Executive Document No. 249, being a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate for an appropriation for an additional building for the Bureau of Engraving and Printing, and it was referred to the Committee on Public Buildings and Grounds.

By unanimous consent, reference of so much of the message of the President transmitting the report of the Philippine Commission as relates to a proposed appropriation was changed from the Committee on Insular Affairs to the Committee on Appropriations.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I am directed by the Committee on Appropriations to report the following bill, to meet an immediate urgent deficiency, and ask for its immediate consideration.

The SPEAKER. The gentleman from Illinois, from the Committee on Appropriations, and by the direction of that committee, reports an urgent deficiency bill and asks that it be considered at once.

The bill was read, as follows:

A bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1903, namely:

PRINTING AND BINDING.

For printing and binding for the Department of Justice, to be executed under the direction of the Public Printer, $8,000.

DISTRICT OF COLUMBIA.

For fuel, as follows: For the metropolitan police, $3,000; for the fire department, $4,500; for public schools, $45,000; in all, $52,500, one-half of which shall be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, $40,000.

The SPEAKER. If there is no objection, this will be considered now.

There was no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill making appropriations for the Army. And pending that, I ask unanimous consent that general debate be limited to five hours, to be divided equally